CRITICAL REVIEW

OF

SIR FRANCIS HEAD'S NARRATIVE

AND OF

LORD DURHAM'S REPORT,

BY THE

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2. *Report on the Affairs of British North America, from the Earl of Durham, Her Majesty's High Commissioner, &c. &c &c, (Presented by Her Majesty's Command,) Feb.*, 1839. Folio.

3. *A Reply to the Report of the Earl of Durham, by a Colonist.* 8vo. London, 1839.

SIR FRANCIS HEAD'S Narrative is a very remarkable work:—not so much for its literary merits—though it has all the usual vivacity of his style—as from its being one of the most clear, unreserved and *honest* accounts ever rendered by a public servant, of the acts, the principles, and the policy of an important administration. Few provincial governors could have had to relate so arduous and so successful a struggle; but, beyond all doubt, no metropolitan government ever exhibited such rashness, such cowardice, such fraud, such folly, such perverse imbecility—doing mischief even when it did nothing—as this work charges, and we think, *proves* against the Colonial Department of Lord Melbourne's administration.

We admit that we form this strong opinion from what may be called an *ex-parte* statement; but such a vast proportion of that statement—full nine parts out of ten—consists of the official documents, the original *literæ scriptæ*, that we cannot hesitate (exclusive of any personal considerations) to give Sir Francis Head's account of the transactions our entire confidence. The only doubt, indeed, which has reached us is, whether he may not have been superfluously candid, and supported his assertions with superabundant proof; and whether in his zeal to exhibit the whole truth, he may not have somewhat exceeded the limits of official confidence.

We confess that the free admission of the public behind the scenes of Downing Street is a novelty;—and one, we will add, which we should regret to see drawn into a precedent. The diplomatic intercourse of nations, and all internal and colonial government, would be disturbed and deranged by such a practice. We have lately seen, for instance, our Secretary of State for Foreign Affairs encouraging a surreptitious and disingenuous publication of State Papers—we have seen him promoting to high official functions the irregular* hand which had been employed in this publication. We have seen this irregular *employé* quarrelling with his superiors, and finally with his patrons; and the newspapers are loaded with the *pros and cons* of the obscure intrigues, (at the bottom of which for their attempt at explanation) and the pitiful recriminations of [illegible] partners in mischief. This is a scandal, of which it was reserved for the present Foreign Office of England to give the very, example that we have ever heard of in the history of diplomacy. Something of the kind occurred between the profligate court of Louis XV. and that heteroclite adventurer D'Eon, but that was a pettifogging squabble of private interest: while our recent instance involves public questions and might have led to national calamities.† We give no opinion whatsoever on the merits of the case as between Lord Palmerston and Mr. Urquhart. We address our censure exclusively to the unpiece-

* We say irregular—not out of any disparagement of Mr. Urquhart's position or abilities, but simply because he had not belonged to the diplomatic profession when Lord Palmerston (unluckily, as it turns out for his Lordship,) chose to bring him forward in a very unusual way. Such irregular appointments, though occasionally justifiable by the talents of an individual or the speciality of a case, seldom fail to produce results unpleasant both to the patrons and proteges.

† We have no call at present to enter into detail upon the *Portfolio* itself. There can, however, be no doubt that it owed its importance and *vogue* to the insertion, in the early numbers, of some very extraordinary documents which had been *filched* from the Russian Emperor's archives, and which must have been known to have been thus obtained by the Noble Viscount, who still holds the station of Foreign Secretary to the Queen of England. In the subsequent numbers—after Mr. Urquhart's editorship had ceased—real documents, were, we believe, introduced with shameful garblings, and more shameful insertions;—but it is indeed hard to say what was the most shameful part in the whole business.

dented and dangerous example given by the Foreign Office in its patronage of the *Portfolio*.

But Sir Francis Head's publication, if it be an exception to what ought to be the general rule, is assuredly one not merely justified, but as we think necessitated by every consideration of private honour and public duty. The ministry had made themselves accessories to such libels on him and on the colony he had so brilliantly governed and so happily saved, that his explanation had become indispensable both to himself and to the country. It has been neither spontaneous, nor officious, nor premature—It has been forced from him—he has been dragged, as it were, from the modest and dutiful silence in which he had determined to bury both private wrongs and public errors, by circumstances which, as it appears, he could neither control, evade, nor resist.

Sir Francis Head was superseded in the government of Upper Canada at the moment when he had, by a kind of *moral magic*, evoked a spirit of loyalty which few but himself suspected to exist, and extinguished a rebellion which most men considered as all but invincible. His ministerial thanks were official discountenance and parliamentary sneers. Lord Glenelg could barely open his eyes to see him, and Lord Melbourne in his place in parliament, criticised his style and depreciated his measures by a sneering and contemptuous apology.

The criticism on what Sir Francis pleasantly calls his '*gait of writing*,' even if it were just, was unworthy the gravity of Lord Melbourne's station. So fastidious a critic should have recollected that Dionysius himself did not turn pedagogue till after he had given up public affairs. We admire as little as Lord Melbourne can do, what is called *flippancy* in either *speaking* or *writing* on state affairs; and we must admit that Sir Francis Head's despatches do sometimes urge disagreeable truths with a force of illustration and a kind of dashing sincerity which were very likely to startle the slumbrous routine of Downing-street; but these lively passages are neither indiscreet in substance nor disrespectful in form, neither meant as epigrams against the minister, nor claptraps for the people—they are the natural impulses of the writer's mind; and moreover, as it turns out that the ministers selected Sir Francis for the government of Canada chiefly, if not solely, on account of this very 'gait of writing,' the sneers were somewhat ungenerous and very indiscreet. But the censure of Sir Francis's *measures* implied in Lord Melbourne's speech of the 2d Feb., 1838, was a more serious consideration; and he naturally addressed to his lordship a letter, in which after a long and full vindication of his conduct, he requested to be allowed to present the details of the case before a committee, either of the privy council, or even of the ministry itself. This was refused—properly enough—*if* Lord Melbourne had not made the insinuations complained of.

At an interval of three months, Sir Francis again solicited permission to vindicate and explain his administration by publishing his despatches to the Colonial Office. This was again refused—Lord Melbourne assigning as a reason, that the publication would be '*very inconvenient*:' in this his lordship showed more than his usual foresight.

Sir Francis Head, on his second repulse, informed Lord Melbourne that he bowed to his decision, and should not only refrain from publishing his despatches, but if any member of either House should move for them, he authorised the government unequivocally to declare that such a motion was not sanctioned by him. But the publication of Lord Durham's Report totally changed Sir Francis Head's position.

'I found that, although I had thus obeyed the decision of my late employers almost at the expense of my character—Her Majesty's Government, without consideration for my feelings, had recommended *the Queen* to transmit to both Houses of Parliament, a Report containing allegations against my conduct and character, of a most invidious description; and, notwithstanding Her Majesty's Government knew perfectly well that, having *bound me hand and foot to silence, I was defenceless*, they actually accompanied Lord Durham's Report with *their own* volume, containing 400 closely printed folio pages, in which not a single line of even those *printed* documents in their possession, which they knew would vindicate my character, was admitted; and it further appeared from the newspapers, that when Lord Durham's allegations against me were officially presented, there was not among Her Majesty's Ministers, one individual who, in either House of Parliament, stood up to utter a single word in my defence.'

It was then that Sir Francis resolved to defend himself: but before he had time to take any step, the Duke of Wellington—with the sure tact and high principle of both public and private justice which distinguish that illustrious mind—saw that the time was come when the truth was to be told, and moved for Sir Francis Head's despatches; and Lord Melbourne—truckling, as is the rule when no immediate *terræ motus* is apprehended—forthwith consented to produce them. As the despatches were eventually to be produced, Sir Francis seems to have thought himself justifiable in bringing his own story before the public more conveniently and more distinctly than it could be collected from an unreadable mass of parliamentary papers:*—and above all, in offering his defence as soon as possible after the attack: and observe how he would otherwise have been dealt with.

* It is worthy of notice in this part of the case, that the Government had already given in January, 1835, on *Mr. Hume's motion*, a large and important portion of Sir Francis Head's correspondence, which no doubt Mr. Hume asked for as likely to damage Sir Francis Head's case: they also about the same time voluntarily gave other very considerable portions of the correspondence; and a few nights ago Mr. Labouchere agreed to give—again on *Mr. Hume's motion*—another portion of Sir F. Head's despatches. Thus *Mr. Hume* may have what he pleases; but if the object of his attack attempts a reply, he is censured for breach of 'official confidence.' *Official confidence, it seems, like Irish reciprocity, is all on one side.*

It is already (March 20th) six weeks since the Duke of Wellington moved for the correspondence—and it is not yet presented! We can bear—though we do not understand—this official delay, since we have the pith of the matter in the curious, amusing, and important publication before us.

It would be easy to select from this work a long series of most entertaining extracts, but we have a higher object than the mere amusement of our readers. We wish to inform them on the real state of the Canadas, as well as on the merits of Sir Francis Head's administration, and above all, to awaken them to the fearful danger to which the country is exposed from that universal mismanagement of our affairs—of which a most striking, perhaps a fatal, *specimen* has now been completely revealed in the case of our Canadian provinces. We shall therefore endeavour to throw our account of the work into a narrative form (much the greater portion of it being copies of *Despatches*,) employing as often and as much as we can Sir Francis Head's own expressions; which—with all due deference to Lord Melbourne's criticism—we think more clear, more forcible, more graphic, than anything *we* or even *he* could supply.

Mr William Lyon Mackenzie, who has become so notorious as the correspondent of Mr. Joseph Hume and the main instigator of Canadian disaffection, was originally, it seems, a pedlar-lad, who emigrated from Scotland about eighteen years ago, and was fortunate enough to be engaged as a shop-boy at Toronto. He rose by degrees from his very humble station to the conduct of a Canadian newspaper; in which, with almost 'super-human exertions,' and, as it seems, considerable success he laboured to calumniate, in the minds of the lonely residents of the woods, every measure both of the metropolitan and colonial governments; till at last he was enabled to obtain,—'by the most barefaced and infamous deception of the ignorant inhabitants'—few of whom knew what they were doing—a kind of mission, to convey to London the grievances of *the province!* His success in Downing street surpassed all calculation, and he took care to convey it to his Canadian public, by publishing amongst them even the most trifling notes which he happened to receive from *secretaries and under-secretaries of state*—most trifling in fact, but bearing, to the ignorant Canadians, strong marks of intimacy and influence. But he also gave them less equivocal proofs of his power in the Colonial Office. A dispatch was written almost under, as it would seem, Mr. Mackenzie's dictation, to the then governor,† the gallant and intelligent Sir John Colborne, repeating Mr. Mackenzie's calumnies, and embodying his propositions—which, as may be supposed, were directly hostile to the policy of Sir John's government, and seriously injurious to the interests of the Crown: and, lest it should not be known in Canada by what influence this dispatch had been prompted, Mr. Mackenzie published the following memorandum:—

'*Memorandum.*—On Wednesday, the 7th of November, 1832, I had the honour of a very long interview with the Secretary of State; and on the day following the dispatch was written, which is an answer, in part, to my representations.

W. L. MACKENZIE.'—p. 7.

This was supererogation—for the dispatch itself told the same story even more strongly, commencing—

'Sir,—*During many months* I have been in occasional communication with Mr. Lyon Mackenzie.'

and concluding—

'I have received these documents from Mr. McKenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they call their grievances to his Majesty. *To them the* UTMOST POSSIBLE RESPECT IS DUE.

'Having written this dispatch with a view to publicity, you have my authority to make it public in whatever manner you may think most convenient.'—p. 10.

When this strange dispatch was communicated by Sir John Colborne (according to his instructions) to the two branches of the Canadian Legislature, they replied to it by high spirited addresses in which they complained of the 'calumnies' which it had adopted—of the indignity done to the *province* by the Downing-street recognition of Mr. M'Kenzie as its agent—and of 'the outrageous insult' thus given to all the constituted authorities in the colony, and even to the people at large, by imputing to them sentiments by which they never had been, nor ever would be actuated.

But this was not all. His Majesty's Attorney and Solicitor-general for the province, had concurred, it seems, in a vote for expelling the *soi-disant* agent from the House of Assembly. Hereupon Mr. M'Kenzie's influence in Downing-street appears to have *procured their dismissal*; and again Mr. M'Kenzie takes care to let the province know *whose* hand had struck so important a blow, against the Law Officers of the Crown, by publishing the following note and memorandum:—

'Lord Howick presents his compliments to Mr. M'Kenzie, and will be happy to see him, if he will be good enough to call on him, Monday, at twelve o'clock.

'*Colonial Office, 7th March,* 1833.

'*Memorandum,*—This note was addressed to me on the occasion on which the Colonial office resolved to change the attorney and solicitor generals of Upper Canada, in answer to my representations as to their conduct. 'W. L. M'KENZIE.'—p. 15

When this system first began there was some excuse to be made for the Secretary of State—he knew nothing of Mr. M'Kenzie, but that he produced what looked like respectable credentials from a large body of colonial interests; and we have no doubt that Mr. M'Kenzie exaggerated the mere official courtesy of Lord Goderich and Lord Howick, into an importance which their Lordships never dreamed of; but even this first, and as it

† The strict title is *Lieutenant*-Governor, as he is in some respects under the orders of the Governor General; but, to avoid ambiguity, we shall call him the Governor—for such in fact he was—of Upper Canada.

perhaps appeared to them, trifling departure from that public faith, or at least decorum, which should be maintained between the Colonial Office and the authorities in our colonies, produced bitter fruits, and afforded an unhappy precedent for still more mischievous deviations.

On Mr. M'Kenzies return from England he was hailed by the republicans, or anti-British, as their 'conquering hero;' and, '*supported as he had been in Downing Street*, it was not surprising that he succeeded in regaining a seat in the House of Assembly, and was thus enabled to ejaculate falsehoods almost faster than his own infamous newspaper and the republican press could manage to print them.

The loyal being thus dispirited, it was not surprising that at the ensuing elections the republicans should be successful. Accordingly, at the meeting of the House of Assembly in January, 1835, a large majority of republican members (13 of whom were actually *Americans**) was obtained. Mr. Bidwell, an avowed enemy to monarchical institutions and 'an incurable American,' was elected Speaker; and, as Mr. M'Kenzie's *grievances* had proved so fruitful and so successful, it was determined to sicken the loyalists by a second dose; and, accordingly, before the session was a fortnight old, a *Grievance Committee* was appointed as follows:—

'1. W. L. M'Kenzie,—for whose apprehension for treason, murder, arson, and highway robbery, a reward of £1000 is now offered.

'2. T. D. Morrison,—since tried for treason, and has suddenly quitted the Province.

'3. David Gibson,—one of M'Kenzie's principal officers in the battle of Gallows hill; on which day, having absconded, he is now outlawed as a traitor, a reward of £500 having been offered for his apprehension.

'4. Charles Waters,—a notorious republican.'

This committee produced a report, which (under many circumstances of trick and fraud, which we have not room to enumerate) was ordered to be printed (never having been *read* in the House,) to the amount of 2000 copies,§ in a large octavo volume of 553 closely printed pages; and it has been calculated [I believe accurately, says Sir F. Head] that there exists in this book more than three times as many gross falsehoods as pages!' The insulting libels which this report contained on the Executive Government, the Executive Council, the Legislative Council, and on every authority in the Colony, were by them treated with indifference or contempt, and by no one more so than by his Excellency Sir John Colborne, who 'forwarded the infamous volume to the Colonial Office, with a few short observations, pointing out the glaring falsehoods it contained.'

On the arrival in Downing-street of this huge book of grievances one would have thought that the Colonial Office would have recollected—first, the rebuke it had lately received from both Houses of the Legislature for having, without consulting them, recommended legislative proceedings on Mr. M'Kenzie's authority; and—secondly, the humiliating necessity to which it had been still more recently reduced, of publicly *restoring* to office the two Law-officers who [as M'Kenzie stated] were dismissed in consequence of *his* representation. But no; though the Secretary of State and the *political* Under-secretary had been changed, an invisible influence remained—'the policy of the *Office* was immovable — its course unalterable—its malady incurable; and, though it was perfectly aware of the struggle that was taking place on the continent of America between monarchy and democracy, it deliberately threw its immense influence into the wrong scale!' Accordingly, that brave and able veteran 'Sir John Colborne was officially apprised that he would *immediately be removed*; remedial'—as they were called, but, in fact, inflammatory—'concessions were framed—the loyal population were again disheartened—the republicans again boasted that the *Home Government was with them*;—and thus ends the first chapter of the political accidents 'which,' says Sir Francis, 'it has become my melancholy fortune to relate.'

Sir Francis Head—at this period (November, 1835) an Assistant Poor Law Commissioner in the Kentish district—was awaked one night in a little village Inn on the confines of Romney Marsh, by a king's messenger, with a dispatch to offer him the *Government of Upper Canada*. Totally unconnected with every member of the Administration, and never having had the honor even of seeing Lord Glenelg in his life, he was altogether at a loss to conceive why this appointment should have been offered to *him*;—and no wonder. Sir Francis Head was a half pay Major in the army, known to the public chiefly by two lively works—the 'Rough Notes of a Ride over the Pampas,' and the 'Bubbles from the Nassau Brunnen, by an Old Man'—for so it pleased the vigorous humourist to describe himself—very clever little books, both of them, as our readers know, but certainly affording no promise of *that kind of talent*, which should have been *a priori* selected for such a duty as the Government of Upper Canada had then become: and let it be recollected that the *half pay Major* from Romney Marsh was thus selected to fill the place from which Lieutenant-General Sir John Colborne, G. C. B.,—now (by the special solicitation of the very same Ministers)

* It is to be wished that the people of the United States would adopt some national designation more exact than this. They have really no more right to call themselves '*the Americans*' than we or the French have to the exclusive title of *Europeans*. But there is at present no other choice but the vulgar and disrespectful phrase of *the Yankees*.

§ Great wits jump—this was the exact number which was printed, under such strange circumstances of Lord Durham's *grievance report*.

Governor General of all her Majesty's American dominions, had been thus ignominiously recalled:—ignominiously, but the ignominy was not *his*.

Nothing, it will be admitted, could equal the inconsistency and rashness of the Colonial Office in making such an appointment, except the singular and almost comic punishment which immediately followed. The *galloping, bubbling*, half-pay Major turned out to be a man of great good sense, high moral and constitutional principles, a modest but uncompromising courage, admirable temper, and a general capacity for affairs,—one

'Who happily could steer
From gay to grave, from lively to severe!'

Judge of the astonishment and dismay of the *Office* when they found that, by the most unforeseen of untoward accidents, they had lighted on *such* a man!

But though thus accidentally betrayed into a good appointment, the ruling powers in Downing-street continued consistent in their principle; and it will be seen that as soon as they had *found him out*—as soon as he had shown that the choice was not a bad one, they took every possible means and made all possible haste to *get rid of him*, without even restoring the poor victim of his unexpected fitness to his humble duties in Romney Marsh! Lord Melbourne—though we differ from his present line of politics—is, we willingly admit, a good natured, amiable, and honourable man; and we therefore venture to put it to his justice and magnanimity whether he ought not to seize the first opportunity of offering to reinstate Sir Francis Head in his *poor* commissionership—which he quitted, as we shall see, reluctantly, and only at the special instance of the Government.

Sir Francis at first, with the modesty of a well-judging man, declined an appointment for which he had, in his own too humble opinion of himself, no peculiar fitness. The Major seems, however, to have been talked over by Mr. *Under Secretary*—or, as the 'Times' pleasantly and justly called him Mr. *Over Secretary*—Stephen (who had not yet discovered 'what manner of man he had got') into accepting,—and he did accept.

The danger of the colony had grown more urgent, and the arrogance of Sir John Colborne's opponents had been so elevated by success, that it might have been naturally expected that every means would be taken to invest the new Governor with such ostensible marks of favour and confidence as might serve to counterbalance his deficiency of rank and experience. Quite the reverse: he was informed that his salary would be reduced £500 a year below that of his predecessor; and further, that whereas the said predecessor had received, in addition to the full salary of Governor, his military appointments of about £1000 a-year, Sir Francis was to forfeit to the British Empire his half-pay as major in the army; moreover, that, as former Governors had always had the distinction as well as the assistance of an *aid-de-camp* or two, Sir Francis should have no such appendage; and lastly, that as he was known not to be a rich man, and as even the most modest outfit would cost him £500, it was determined to make him no advance whatsoever on that account!

This was a happy beginning. His late Majesty, however, who had some antiquated ideas concerning the advantage that a little ostensible respectability might confer on *his representative*, was of opinion that Downing-street should allow him an *aide de-camp*; and by some other extraordinary influence, which is not stated, Sir Francis also obtained, *on the morning of his departure*, the additional favor of an advance of £300 towards his outfit; from which, however, on his proceeding to touch it, he found that the trifling portion of £230 was retained for fees of office! And so—with this munificent advance of £70., and Lieutenant Halkett, of the Coldstreams, as his aide-de-camp, the new Governor set out on his mission—not in a king's ship, but at his own expense in a Liverpool *liner* bound to New York—whence he and his aide-de-camp were to scramble as well as they could to Toronto! Sir Francis treats all this money part of the affair with almost silent contempt, but the country will not think it quite unworthy of notice.

He embarked at Liverpool; but just as the vessel was under way, an express arrived from the Colonial Office with the agreeable and encouraging information that the appointment of his aide-de-camp was annulled! There was no time to remonstrate. Lieutenant Halkett, however, having obtained a year's leave of absence from his regiment and made his other arrangements, Sir F. Head requested his company as a private friend:—and under these auspicious omens, the new mission for pacifying Upper Canada—the whole of which was buttoned up in the Governor's blue great coat, with as much of the £70 as remained after the journey to Liverpool—sailed for New York.*

'I really,' adds Sir Francis, 'do the Government the justice to believe that they are so intoxicated by the insane theory of conciliating democracy, that they actually believe the people of Upper Canada would throw up their hats and be delighted at the vulgarity of seeing the representative of their sovereign arrive among them as an actor of all work, without dignity of station, demeanour, or conduct—in short, like a *republican* governor.'†

* Sir Francis Head states that the government had, afterwards, the unheard of generosity of allowing him his aid-de-camp, and of repaying him the expenses of the journey—which is of no other importance than to mark the childish inconsistency of the Office.

† We have been told that a person lately presenting himself, on urgent business, was ushered at midnight into the presence of the Governor of Texas [the new republic which our readers cannot have forgotten,] whom, it is said, he found fast asleep in bed with a huge, black-whiskered gentle-

With Mr. M'Kenzie's book of 'Grievances,' which he had closely studied, and with the Secretary of State's remedial 'Instructions' in his writing-case, and clearly satisfied that with these unerring guides he could not fail to cure the disease, Sir Francis Head entered Toronto with, as he candidly says, an indescribable 'simplicity of mind, ill-naturedly called *ignorance*,' about all Canadian, and indeed all political affairs—which ignorance, with all his acuteness, he had not yet discovered to have been his chief recommendation in Downing-street—which wanted not a statesman, but a tool :—

'As I was no more connected with human politics than the horses that were drawing me—as I had never joined any political party, had never attended a political discussion, and had never even voted at an election, or taken any part in one—it was with no little surprise that, as I drove into Toronto, I observed the walls placarded in large letters which designated me as
"SIR FRANCIS HEAD, A TRIED REFORMER."'—p. 32.

For this reception he was indebted, no doubt, to a letter from Mr. Joseph Hume to Mr. M'Kenzie, found in Mr. Papineau's baggage when he absconded, in which, *inter alia*, Mr. Joseph advised the giving Sir Francis a good reception — the not pressing too fast—the taking all that they could get—and, above all, not embarrassing the radical party at home by any strife between the Canadian reformers and the ministry—whose weakness Mr. Hume very truly suggests is so great and, yet so useful to the radical party, that the utmost care must be taken to avoid its overthrow. The motives of the oily moderation of this Joseph Surface are worth attention on merely English grounds:

'You will bear in mind that the liberal party *here* have the court, the aristocracy, and the church all against them, and that it is sound policy in the Radicals not to urge demands from the Whigs which shall, in any way, give ground for the King to throw off the Whigs and to take the Tories to power. Every day the Whigs remain in power, the power of the people is increasing, and the power of the Tories and the Church is decreasing. If the reformers, from the Ultra-Radical to the milk-and-water Tory-Whig, had not acted on these principles [of forbearance towards the Whig chiefs] in the last session, the Tories would have remained in power and we would not have got Municipal Reform and other reform, as now going on. From all this you will conclude that the Whigs will remain, and, as *they cannot stand without the Radicals*, the Ministers must be doing a little to please them, and thus the rights of the people will be gradually secured.—J. H.'—p. 41.

The natural effect of all this was, that the Loyalists had no favourable opinion of Sir Francis Head, while the Republicans hailed his arrival. We must now allow him to describe in exactly his own words, his *début* on this distracted stage :—

'Exposed as I knew I must be to the political storm, it was to me a matter of the most perfect indifference from which quarter of the compass it proceeded "*I have the grievances of Canada*," I said to myself, "*and I have their remedies*;" and, whether the Tories (*whom he had, it seems, been led to consider as his natural enemies*) liked the medicine or whether they did not, I cared not a single straw.

'Among those who in private audience presented themselves to me was Mr. *Bidwell*, the Speaker of the House of Assembly. To this gentleman, who was the leader of the republicans, I expressed the same language which I had addressed to the leaders of the opposite party. I told him plainly that I was an inexperienced man, but that I would deal honestly towards the country; and, being resolutely determined to correct the grievances of the province, I at once took up the *book* which contained them, and invited Mr. Bidwell to converse with me freely on the subject. To my utter astonishment he told me that there were grievances not at all detailed in that book, which "the people" had long endured, and were still enduring with great patience; that there was no desire to rebel, but that a morbid feeling of dissatisfaction was daily increasing—that increase it *would*, and that, in fact, if it had not been distinctly stated that I was the bearer of new instructions, those with whom he was associated had come to the determination never to meet in provincial parliament again. "*What, do you mean, Sir*," said I, "*that this book of grievances, which I have been especially sent to correct, does not contain the complaints of the province?*" Mr. Bidwell repeated his former answer, and, from that day to the hour of his leaving the country (*which he did in consequence of the rebellion*) never could I get him to look at the book of grievances, but whenever I referred to it, he invariably tried to decoy me to some other will-o'-the-wisp complaint, which in like manner would have flown away before me had I attempted to approach it.

'When Mr. Mackenzie, bringing with him a letter of introduction from Mr. Hume, called upon me, I thought that of course he would be too happy to discuss with me the contents of his own *book*; but his mind seemed to nauseate its subjects even more than Mr. Bidwell's. *Afraid to look me in the face*, he sat, with his feet not reaching the ground, and with his countenance averted from me at an angle of about seventy degrees; while, with the eccentricity, the volubility, and indeed the appearance of a madman, the tiny creature raved in all directions about *grievances here* and *grievances there*, which the Committee, he said, had not ventured to enumerate. "*Sir*," I exclaimed, "*let us cure what we have got here first!*" pointing to the book before me. But no, nothing that I could say would induce this pedlar to face his own report; and I soon found that *the book* had the same effect upon *all* the republican members, and that, *like the repellent end of a magnet*, I had only to present it to the Radicals to drive them from the very object which his Majesty's government expected would have possessed *attraction*.—pp. 33-35.

Although Sir Francis had arrived, as he candidly owns, *in total darkness*, the light of truth now bursting upon his mind, he perceived most clearly that the republicans had overreached themselves by abandoning Mr. Hume's cautious, cunning, *bit-by-bit* course of 'reform' to which, in order to attain their treasonable object, the republicans *ought* to have adhered, instead of dangerously asking too much at a time, or of ever rashly committing the sum total of their grievances to paper.

These first events are a *table of contents*, as it were, to the whole history of Sir Francis's administration;—as we have seen, in old plays, the prologue announce the progress and catastrophe of the drama. From the moment that it was discovered that Sir Francis preferred monarchy to a republic and his duty to the King to popularity with the Radicals, he was subjected to every species of opposition and even contumely from the party

man, his aid de-camp. Our dear old friend and editor, Mr. Gifford, said long ago that '*Republicanism*, like misery, acquainted a man with *strange bed fellows*.'

which had lately received him with such triumph, and to the end of his career never received one, or at most b ' one, word of approbation, encouragement or support from home. In these few words the spirit of the whole story is already revealed—Sir Francis's fate is sealed before he is a week in power—and we have now only to see how that spirit guided events to accelerate that fate.

In the *original* draft of the Instructions communicated to him, he had been directed to lay before his two Houses a '*copy*' of those Instructions. When this draft was laid before King William, the word '*substance*' was by the King himself substituted for '*copy*;' for His Majesty, fancying it *infra dignitatem* 'that the Assembly of Upper Canada should read that his representative was *ordered* to give them a *copy* of his instructions, thought it better that the quantum of the communication of his instructions should at least *appear* to be left to the Governor's discretion.

But Lord Glenelg—(who had become Secretary of State in 1835—a date execrated in all our colonies)—took care to explain verbally to Sir Francis that the word '*substance*' was substituted for the word '*copy*,' merely because it had been considered less *undignified*—His Lordship expressly adding, '*But, remember the more you give them of it the better.*'

When, however, Sir Francis attempted to extract the *substance* of his Instructions, he found it impossible to undertake to translate them, with all their explanatory arguments, into other words; he found, also, that his predecessor had (no doubt by order from home) announced to the Houses that the determination of the government should be officially communicated to them; and that if he attempted to alter or conceal any thing, he might be accused of *garbling* the King's instructions; and that, finally and in truth, such a manufacture would belie the straightforward policy which he had declared he would adopt, and at once involve him in an ignominious dispute—amounting, after all, to nothing better than a quibble, because as he was actually ordered by Lord Glenelg to give them *the substance of his instructions*, they might fairly argue that the *substance* and the *reality* were and ought to be identical.

He was not unaware, however—and he stated his apprehensions to Lord Glenelg—that this proceeding might occasion some embarrassment in Lower Canada to Lord Gosford, whose instructions, by a Downing-street blunder, or something worse, did not tally with those of Sir Francis; but that was not his fault; he did his own duty by himself and his employers '*remembering*' Lord Glenelg's last admonition, '*that the more he gave of the instructions the better.*'

This proceeding, thus clearly prescribed by Lord Glenelg himself, was visited—either for the purpose of soothing poor Lord Gosford, or of palliating their own blunder—with the *generous* censure of the Colonial Office.

Sir Francis on his arrival found his Executive Council (answering to our Privy Council) incomplete, and having but a bare quorum of three members. He was advised to increase the number; and he determined to do so, by selecting three gentlemen, two of whom at least were the leaders of the opposition to Sir J. Colborne, and who appeared to possess the confidence of the provincial parliament. These gentlemen refused to take office unless the three existing councillors were dismissed. Sir Francis had no previous knowledge of these old councillors, nor since his arrival had much cordiality subsisted between him and them; but with this demand he honourably refused to comply, on the grounds that he had other interests besides those of the House of Assembly to consider; that the Commons already possessed their own legitimate power; that to impart to them in addition an exclusive influence in his Council would be unconstitutional and unjust; besides which, it would at once connect with party feelings the representative of his Majesty, who ought to stand unbiassed, and aloof from all such considerations.—On this the negotiation went off; but the party, finding Sir Francis firm, and remembering no doubt Mr. Hume's *bit by bit* policy, thought better of it, and finally accepted, and Mr. R. Baldwin, Dr. Rolph, and Mr. Dunn,§ were sworn of the Council.

From the moment that Dr. Rolph—whose persuasive influence and treasonable principles were well known—was named as a member of his Council, it was pretty generally apprehended *that Sir Francis Head was lost.* Sir Francis had better hopes. Relying on his own upright intentions, he 'felt confident that if the Council should attempt to force upon him unconstitutional proposals, it would be out of their power to deprive him of that *invincible moral power which always rushes to the vindication of a just cause.* Those apprehensions, however, were not wholly groundless. Backed by a large majority in the House of Assembly, Dr. Rolph soon persuaded the *whole* Council to concur in a written requisition to the governor on the necessity of '*making the Executive, or Privy Council, responsible to the public.*' And Sir Francis at once saw that this brought the question of constitutional monarchy to a crisis. Every day since his arrival had convinced him, that he should ultimately have to meet the democratic principle face to face: 'but by far the most difficult problem he had to solve was, *where* he ought to make his stand. To involve himself in a struggle with the House of Assembly about any one trifling concession would, he knew, have brought the *Home Government down upon him* with all its power; the province might also with some apparent reason have complained; and

§ This name is left blank in Sir Francis's pages. We cannot see why—as it is given in the parliamentary papers presented last year,—Nr. 94, p. 12.

thus, bit by bit, and inch by inch, he might be driven to abandon constitutional ground, which, once lost, could never be reclaimed.' It was lucky, therefore, that the contest began with an attempt so clearly unconstitutional, Sir Francis Head at once rejected the proposal,—and informed the parties that they must abandon either that requisition or their places in his council. They persisted. Sir Francis followed up his advantage, and *accepted the resignation* of—or, in plain terms, dismissed—the *whole* Council—including the old, heretofore unpopular, councillors, who had been cajoled or intimidated into signing this requisition. Four of the six councillors soon showed a disposition to recant; but Sir Francis insisting that the requisition should be cancelled by all the same hands that had signed it—their dismissal was complete.

It is impossible not to admire the spirit—ay, and the wisdom—of this bold measure. It bore its good fruits in good season. It electrified all parties—it heated the friends and cooled the enemies of the British connection—it brought to light the vast numbers of the former, and the insignificance of the latter—and spread through the colony that loyal confidence in the King's Government, which had been so long depressed that its very existence was denied. The democratic principle in Upper Canada received a fatal wound in spite of many efforts made, both there and at home, to prolong its existence. And why? *Crede Byron!*—

> 'And why? Because a little—odd—*Old Man*, Stripped to his shirt, had come to lead the van!'

The House of Assembly, though only by a small majority, 27 to 21, espoused the cause of the dismissed councillors—public meetings were called,—'firebrand' petitions were circulated—and every other means taken to excite and inflame the public mind. All failed—the Radicals were beaten at the public meetings, and the excitement of the public mind took the decided direction of loyalty.

> 'It is out of my power' [writes Sir Francis to Lord Glenelg, after enumerating all the events] 'to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made; but I will not conceal from your Lordship that there is one question in almost everybody's mouth, namely, "*Will the Lieutenant Governor be supported by the Home Government?*" "HE NEVER WILL!" say the Radicals, "*We fear he will not!*" say the Constitutionalists.—Your Lordship has to settle this question, and in my humble opinion upon your decision rests our possession of the Canadas.'—pp. 79, 80.

In one point only of this remarkable passage Sir Francis was fortunately mistaken—*the fate of Canada did not rest on Lord Glenelg's decision.* It stood on much more secure ground—the decision of Sir Francis Head and the awakened good sense, loyalty, and courage of the Canadian people!

The disaffected House of Assembly meanwhile was not idle—*it stopped the supplies*, and drew up addresses to the English House of Commons and to the King, highly inflammatory and personally insulting to the Governor. These addresses were supposed to have been penned, and all these measures to have been prompted by *Mr. Speaker Bidwell*, the gentleman who, as we have seen, had been *so magnetically* affected by the *Grievance Book*. This name of *Bidwell* we beg our readers to note, whenever it occurs.—*c'est le mot de l'enigme.*

Such proceedings did not shake the resolution of Sir Francis—though he stood alone. 'I was perfectly sensible that I was friendless; for the republican party had proved themselves to be implacable, and the constitutional party I had refused to join.' On the Assembly's stopping the supplies he withheld his assent from all their money bills, and even from their own contingencies; for though they would vote nothing for the public services, they were ready enough to take care of their own,‡—and finally, on the 20th April, 1836, he prorogued his Parliament.

We wish our space permitted us to give the whole of the spirited letter by which Sir Francis poured these events into the dull ear of Lord Glenelg: we must make room for one or two passages. After describing the *popular* enthusiasm in his favour, which accompanied and followed his prorogation of the refractory Assembly, he proceeds—

> 'I am perfectly confident that the whole country is disposed to rise up to support me, and I can assure your Lordship that I foresee no difficulty whatever in crushing the republican party, and in establishing loyalty, except a general fear which prevails throughout the country that the *Home Government will be afraid to support me.*—I tell your Lordship the truth; for it is proper you should know that the *reception which was given in England to Mr. MacKenzie* has had the effect of cowing the loyalists and of giving a false courage to the republicans. One word of firmness from the British Government will now settle the question for ever; but if you hesitate to support me; if, in your Lordship's reply to this dispatch, you encourage by a single word the Republicans, they will instantly be reanimated, and will again utter their old cry against the "WEAK AND TREMBLING GOVERNMENT OF GREAT BRITAIN." That they have mistaken British generosity for fear, no one is more persuaded than myself, but I earnestly entreat your Lordship to put confidence in me, for I pledge my character to the result; I solemnly declare to your Lordship that I have no difficulties to contend with *here* that I have not already overcome: the game is won; the battle is gained as far as relates to this country, and I cannot give your Lordship a more practical proof of it than by saying I want no assistance excepting the negative advantage of not being undermined at home.—pp. 90, 91.

He knew Lord Glenelg too well to ask for active support—he only implored his employer's neutrality, and was ready to take all responsibilities on himself.

> 'I fully expect that before a month has elapsed the country will petition me to dissolve the present House of Assembly, but until the feeling is quite ripe I shall not attend to it: I would therefore request your Lordship to send me no orders on the subject, but to allow me to let the thing work by itself; for it now requires no argument, as the stoppage of the supplies, of the road money, and all other money bills, will soon speak for themselves in a *provincial dialect* which every body will understand.'—pp. 94, 94.

‡ 'One of my reasons,' says Sir Francis, in a subsequent dispatch, 'for not granting the contingencies was, the knowledge that a large sum would be granted out of them, by the Assembly, to send an agent to England.'—p. 97.

Our readers will admire the art with which the shrewd Governor baited his trap for the *fier niente* Secretary, by inviting him *to do nothing*, and the good sense and pleasantry of the hint at the effect in the country of the stoppage of the supplies.

The public feeling was soon quite ripe for a dissolution. Addresses of loyalty and confidence poured in on the Governor, signed by above 28,000 persons—a great number in that thinly-populated district—and on the 28th May the provincial parliament was dissolved. And this brought the state of parties to an unerring test.

Just before the prorogation, Mr. *Speaker Bidwell* had presented to the House of Assembly a seditious letter from Mr. *Speaker Papineau*, of Lower Canada. On this letter Sir Francis Head had animadverted in one of his answers to those numerous addresses:—

'But as Mr. Speaker Papineau has thought proper to promulgate in this province, "that the people of the Canadas, labouring under accumulating wrongs, will *unite as a man*." I feel it necessary publicly to repudiate that assertion, by declaring what the state of opinion in Upper Canada really is. — The people of Upper Canada detest democracy; they revere their constitutional charter, and are consequently staunch in allegiance to their King.—They are perfectly aware that there exists in the Lower Province one or two individuals who inculcate the idea that this province is about to be disturbed by interference of FORETIMERS, whose power and whose numbers will prove INVINCIBLE.—In the name of every regiment of militia in Upper Canada, I publicly promulgate, LET THEM COME IF THEY DARE.'—p. 111.

That this answer was wormwood to Messrs. *Papineau* and *Bidwell*, and to those on the American shore of the river, with whose *interference* the Canadians were thus *menaced*, we can easily believe; but—even after all we have seen—we could hardly have expected that it should have drawn down a reprimand from a British Secretary of State; but it did so.

The elections now took place, and with the most astonishing result. The royalists obtained a complete victory! Mr. *Speaker Bidwell*, the friend and correspondent of Mr. *Speaker Papineau;* Mr. Perry, the most powerful speaker of the republicans, and chairman of the committee who had censured Sir Francis; and the great *Grievance-monger*, Mr. M'Kenzie himself,—were all defeated; and Upper Canada was restored, by the influence of one single and unsupported, nay, *reprimanded* man, to regular and constitutional government.

This *revolution* in public sentiment—or, we should rather say, this *revelation* of a public sentiment, long compressed and stifled by the mismanagement of Downing-street—is one of the most extraordinary triumphs of good sense and firmness that we have ever read of, and entitles Sir Francis Head to the gratitude of his country. From the Colonial Office it seems to have procured him nothing but increased annoyance—and, more recently, in Lord Durham's Report, misrepresentation and obloquy.—But it saved Canada.

In the midst of this triumph, Sir Francis received from Lord Gosford's Commission a copy of their Report, and he had verbal explanations of it from one of the Commissioners. This Report Sir Francis considered to have been founded and framed on those *soi-disant* liberal, but really republican principles with which Downing-street and its missionaries chose—on the evidence of Messrs. *Bidwell* and *Papineau*—to believe that both the Canadas were impregnated. The very point on which Sir Francis had made his successful resistance was abandoned by the Commissioners. In reference to the question of the right of the people to interfere in the Executive Council, they say,—

'That the weightiest accountability which can attach to any man, in matters of a public nature, for which he is not punishable by law, or by loss of office, is accountability to PUBLIC OPINION.'—p. 105.

'To this doctrine,' replies Sir Francis, 'I have never been able to subscribe; on the contrary, I have always considered that every man in office should make public opinion follow *him*, and never attempt to follow *it*.' After some other manly remarks on the democratic tendency of this Report, he proceeds:—

'I do not in the slightest degree presume to offer these observations as complaints against the Commissioners, or even as suggestions worthy your lordship's consideration; but merely as a confession that my principles and opinions differ completely from those of gentlemen under whom I *believe* I should act, and with whom, I am sure, it is highly advisable I should concur. As long as I could continue neutral, my opinions were concealed in my own breast;—but every hour drives me to the necessity of taking decisive measures; and as the Commissioners and I are now acting in opposite directions, I feel quite confident that sooner or later the principles which govern us must be suspected to be different, and that the moment the truth is elicited, embarrassments of a very serious nature must ensue. The British population of both the Canadas is now leaning with its whole weight upon *me*, instead, as it ought to do, upon the Commissioners; I therefore feel I am doing his Majesty's government more harm than good—that, being the lesser power, I really ought to retire—and I have no hesitation in recommending to your lordship that I should do so.'—pp. 105, 106.

How this candid proffer of resignation was dealt with we are not told; but we find that —about this time—His Majesty directed his *approbation* of Sir Francis's conduct to be conveyed to him, 'affording him the first happy moment he had enjoyed since his arrival in the Province.' That this approbation issued from the individual goodness and justice of the King himself, (who took a great personal interest in the affairs of Canada, having visited it in his youth) seems probable, from the fact that this gratifying announcement had been preceded, and was accompanied, and followed, by the most mortifying communications from the Minister himself. Up to the date of that letter 'the treatment he had received from His Majesty's Government had given him more pain than it would be possible to describe.' On the arrival of every mail he was asked what notice this or that measure had received?—what answer had been made to this or that address?—the mortifying reply he had to give was 'NONE'—over and over

again—'NONE!' The letter, however, conveying the King's approbation, announced also that it was intended to confer a baronetcy on him; but this honour was, it seems, to be delayed until he should have replied to a significant inquiry as to his *political principles*, and an equally significant notice, that 'a zealous and cordial co-operation in *prosecuting the policy of the Government* was the *condition* on which the administration of the Government could be continued in his hands.' To this broad hint Sir Francis simply replies, that he adheres to his repeatedly expressed opinions: he protests, amongst other things, most strongly against the proposed surrender of the Territorial Revenues of the Crown; and, expressing great confidence in his own views, he says:—

'*As the pilot in charge of your vessel, I warn your Lordship of the danger*, and if it be necessary that I should abandon my opinion or the reward which is intended for me, I have no hesitation in at once renouncing the latter, for every hour of reflection makes me cling firmer and firmer to the former. I have now, as regards my instructions, opened my mind to your Lordship, without concealment or reserve; and it only remains for me to be equally explicit, as regards my own private policy, or, in other words, the manner in which I shall continue to carry my instructions into effect. In this I have no alteration to propose. In a moral contest it never enters into my head to count the number of my enemies. All that guides me is a determination to do what is right. I will never shrink from responsibility, and will endeavour *never to conciliate* nor offend. *The more I am trusted the more cautious I shall be—the heavier I am laden, the steadier I shall sail;* but I respectfully claim the military privilege of fighting my own battles in my own way, and of retiring from your lordship's service whenever I find it advisable to do so.' p. 145.

Sir Francis concludes by saying that he has been the more explicit on this occasion, in order to remove any possible misunderstanding on the subject *before* the baronetcy should be granted. If the offer was meant as a bribe, it failed: but Lord Glenelg's courage was not yet screwed to the sticking-place of breaking with the high-minded Governor, and the boronetcy was conferred in the spring of 1837.

But this consolatory gleam was darkened by accompanying mortification; the Secretary of State sent to him for his explanation a series of complaints against him from Messrs. *Bidwell, Rolph, Morrison* and *Duncombe*.* We need not enter into the details of these complaints: it will be enough to state that they were disproved and overthrown, and the motives for which they were made will be sufficiently explained by the present position of these four persons:

'*Bidwell*, after the rebellion, voluntarily transported himself, under an engagement never to return to Upper Canada.

'*Rolph*, absconded, and is now an outlawed traitor.

'*Morrison*, since tried for treason, has left the province.

'*Duncombe*, since a traitor in arms, absconded, and a reward of £500 is now offered for his apprehension.'—pp. 114. 148, 140.

Though it is rather anticipating the order of time, we may conclude this head by stating that Sir Francis's answers to those gentlemen's allegations and his objection against their political principles, though irresistible at the moment, were soon forgotten in Downing street; and by and by, Lord Glenelg issued his positive mandate to Sir Francis Head to elevate *Mr. Bidwell* to the *judicial bench*, just as he had previously directed him to replace *Dr. Rolph* in the *Executive Council*. Sir Francis distinctly refused to disgrace his administration by such promotions;—and before he could be recalled for this disobedience, the rebellion broke out—the flag of the rebel force that attacked Toronto bore as its motto

BIDWELL,

AND THE GLORIOUS MINORITY!

Lord Glenelg, would be now, we presume, too happy if his anxious and pertinacious orders for the promotion to the bench of the *illustrious* BIDWELL could be forgotten.

We pass over here for want of room, many propositions and opinions, delivered by Sir Francis Head, to the Secretary of State, on the various points of the internal improvement of the political system and administration of the Canadas: they are curious and important, and to one of them we shall by and by recur—but our present business is with facts, not opinions.

All was now quiet and prosperous in Canada—the constitutionalists had been victorious—the Governor's calumniators had been put to shame—and the Councils and Legislature were doing their respective duties in a cordial, business like style—when a new plague—hatched, like all the others, in that *officina venenis*,† Downing street—burst from an unexpected quarter.

Something like the same factious spirit which distracted the Canadas had also, as was inevitable from the encouragement given by the Government at home, grown up in the Province of New Brunswick, where the same questions, as to the abandonment of the territorial revenue and the responsibility of the Privy Council to the people, were also brought into discussion. In dealing with the case of New Brunswick, the Colonial Office discovered a favourable opportunity of striking a blow that should be felt throughout all the neighbouring provinces. What shall we think of a decision made for one province in such a way as to involve—ay, carefully and premeditately to involve—the fate of

* Duncombe's complaint of undue influence at the elections was brought forward at the time by Mr. *Hume* in the House of Commons, and was utterly disproved. Mr Hume on the 5th March, 1839, revived his calumny, but was answered by *Mr. Charles Buller*, Chief Secretary to Lord Durham's mission, who, 'though having,' as he said, 'no great temptation to defend Sir Francis Head,' generously and completely exculpated him. This does credit to Mr. Buller, who, though he professes, we believe, to be a *radical*, is a man of frankness, ability, and honour. We suspect, and shall be glad if our suspicion be confirmed, that in Lord Durham's execrable *Report* Mr. Buller had as little hand as Lord Durham himself.

† Horace applies the term to the workshop of *Canidian*, and we to that of *Canadian* poison.

Instances of Lawless Conduct
Prince
Richard C. &c &c

several others, and to legislate for them all, in the most important points, by a subterfuge and a juggle? It was killing *four* or *five* birds with one stone—a mode of getting through business which suited Lord Glenelg's taste admirably, and reminds us of the convenient process of the workhouse doctor, who alternately and indiscriminately bled all the patients one day and physicked them another. A dispatch from the Colonial Office, of the 20th of September, 1836, to Sir Francis Head, after asserting the melancholy axiom—namely, that '*it is in vain to suppose that any concession can be made to the General Assembly of any one of the North American Provinces, and withheld from the rest*'—enclosed to him copies of a dispatch and instructions to Lieutenant General Sir Archibald Campbell, Lieutenant Governor of New Brunswick; to which he (Sir Archibald) was ordered to give a *general publicity*, and which Sir Francis Head was desired to consider, as far as they could be applied to Upper Canada, 'as addressed to himself' The dispatch contained not only directions for the surrender of the casual and territorial revenues—against which Sir Francis had so strongly remonstrated in the case of Upper Canada—but the abandonment of the authority of the Crown in the *Executive Councils*. And lest the ominous axiom before mentioned should not have sufficiently included the Canadas in his New Brunswick prescription, the Secretary of State positively directed that the session of the parliament of Upper Canada should be postponed to some weeks after that of New Brunswick, and that of Lower Canada to an equal period after that again. By this extrordinary arrangement, the triumph which the loyal inhabitants of Upper Canada had gained over the demands of the republicans was not only proved to be 'temporary,' but was *completely annulled*.

But perhaps, after all, the most surprising fact in the whole of this proceeding is, that these concessions, and various others, which were to be promulgated by Sir Archibald Campbell throughout the *whole* of our North American colonies appear to have been arranged in the Colonial Office by Messrs. Crane and Wilmot, two *delegates* from the House of Assembly of *New Brunswick!*

'Without meaning [says Sir Francis] in any degree to compare these two most respectable gentlemen with Mr. Mackenzie, still one would have thought that the experience which the Colonial Office had so dearly purchased by listening to the latter individual would have proved the impropriety of the principle of legislating on *ex parte* statements, proceeding either from the people, or from the delegates of the people, without referring to the Lieutenant Governor, Executive Council, and Legislative Council of the colony!'

The mortification which this course of policy produced in Upper Canada is indescribable. The Loyalists were again disheartened; and the Republicans again exultingly boasted that the *Home Government was with them*.

Sir Archibald Campbell, seeing the effect produced, not only in New Brunswick, but *throughout all* the British North American colonies, by the representation of a *single* pair of 'delegates,' from a *single* branch of the legislature of a *single* province—feeling how completely his authority was superseded—how hopeless it was for him to attempt to maintain monarchical institutions, while the Colonial Office openly legislated on the democratic principle of '*delegates*'—(the very name was most offensive to the royalists)—and openly disapproving, on constitutional grounds, of the mode in which the King's casual and territorial revenues were proposed to be surrendered—'expressed himself to his Majesty's Government in terms which will, probably, ere long come to light.' But on Sir Archibald's hesitating to surrender the revenues of the Crown—even until he could receive an answer from the Colonial Office to the objections which, without loss of time, he had submitted to it—the New Brunswick House of Assembly, made impatient by their successes, immediately petitioned the King against *their* Lieutenant Governor.

To the Committee who waited upon his Excellency with this insulting information, he made the following reply—a reply worthy of the man and his services to his King and country:

'Gentlemen—The conscientious rectitude of my own conduct renders the subject of this address to me a matter of the most perfect indifference. I have had the honour of serving His Majesty for nearly half a century, in almost every quarter of the globe; and I trust those services have been such as to suffer no diminution in the estimation of my Sovereign, from any representation that may be made by the House of Assembly of New Brunswick.'

'I need hardly say,' adds Sir Francis, 'that no one in our British North American Colonies felt the shock of Sir Archibald Campbell's retirement more keenly than I did, for in his fate I clearly read, as addressed to myself, the words "*Mene, Mene, Tekel, Upharsin.*' My hour, however, had not yet arrived.'—p. 165.

About this time another remarkable storm arose, and one, for a wonder, not brewed in Downing street—a crisis of public credit—which might have shipwrecked the most expert financier; but Sir Francis Head, who was no financier at all, but only an honest man, of plain good sense, weathered the gale, and brought his ship triumphantly into harbour. The narrative is valuable in many respects:

'The rapid improvements which for some years have been taking place in the United States have been a mystery which few people have been able to comprehend. Every undertaking had apparently been crowned with success; every man's speculation had seemed to answer; the price of labour, although exorbitant, had everywhere been cheerfully paid, and money had appeared in such plenty, that it had profusely been given in barter for almost every commodity that came to market. In short, the country was triumphantly declared to be "*going a-head;*" and, as the young province of Upper Canada was observed to be unable to keep up, the difference in its progress was contemptuously ascribed to the difference in its form of government.

'Monarchical institutions were therefore ridiculed, republican principles were self-praised, and

democratic opinions were not only disseminated over this continent, but, crossing the Atlantic, they made their appearance in our own happy country, where it has lately been deemed by many people fine and fashionable to point to the United States of America as a proof that riveting religion to the State, and that nobility of mind, are to commerce, what friction is in mechanics.

'In the midst of all this theory the whole commercial system of the United States suddenly was observed to tumble to pieces, its boasted prosperity being converted into a state of disorder altogether new in the moral history of the world, for the republic declared itself to be bankrupt, without even pretending to be insolvent: in short, its banks simultaneously dishonoured their own notes, keeping specie which belonged to their creditors in their vaults. This example of the banks offered a pretext to any man to absolve himself from his debts by fictitious bankruptcy. The public creditors afar off, as well as those on the spot, had no power to save themselves, and under these circumstances a general distrust prevailed.

'This sudden annihilation of national credit in the United States produced, of course, serious inconvenience and alarm in Upper Canada.

'The mysterious prosperity of the republic was now proved to have been produced by an imprudent and reckless system of discounting which had supplied the country with more money than it was possible for it to repay."—pp. 179, 181.

Sir Francis Head had no mind to assemble his Parliament in this crisis; but on a balance of the difficulties, he decided reluctantly to do so. The Canadian banks had prudently contracted their accommodation. This gave dissatisfaction; and the commercial world thought that if these banks, after the example of the United States, had been allowed to suspend cash payments, they might have continued the rotten system of *accommodation*. There was, therefore, a strong party in the Canadian Parliament for the suspension of cash payments. It was easy and popular, and not merely supported, but, as it seemed, commanded, by the American example; and Sir Francis might have insured quiet and popularity by acquiescing in an acknowledged necessity. But he was no such time-server—he could not conceive why banks with their cellars full of specie should forfeit their engagements. With equal boldness in his resolve, and dexterity in his management, he persuaded his Parliament, after a difficult conflict, to confide the question to the discretion of the Government, *pro re nata*. The Canadian banks did not suspend their payments—the people caught, as they always do, the infectious confidence of their Government, and public credit was saved from the disgrace of a public bankruptcy. The details of this affair are curious—the result a most remarkable triumph of common sense and honesty, which, acting with an utter disregard of monetary popularity, kept public faith in Canada; while the rival and neighbouring states were by a contrary system, involved in continued distress. This little episode, which we think a very remarkable instance of firmness in resisting, of address in quieting, and of success in converting popular opinion, was never, as far as appears, even acknowledged by the time-servers of Downing Street, who prudently left the adventurous governor to his fate—speculating, perhaps, that his failure in this financial concern might probably afford a better excuse for his recall than his refusal to promote *traitors* to the *judicial bench*.

At this time, his own province being quiet, prosperous and loyal, Sir Francis's attention was directed, not only by his own good sense, but by the requisitions of Downing-Street, to the State of Lower Canada, which seemed destined to infect, corrupt and ruin the healthy province to which it was the object of the Home Government, by a tyranny like that of Mezentius, to attach its fate. And now it was that Sir Francis promulgated his great paradox: one which has been the cause of much ridicule and more obloquy, and from which we ourselves venture to dissent—but to dissent with the respect due to a man who has reduced to the sober certainty of success many other designs and opinions equally paradoxical.

His success by mere *moral* means in Upper Canada emboldened him to suggest a similar course of proceeding in Lower Canada. He accordingly proposed to the Government not only to send out no fresh forces, but to withdraw all that were not necessary for garrisoning the two fortresses of Montreal and Quebec. Mr. Papineau's traitorous menaces he despised—his force he estimated contemptuously and, as it has turned out, justly; and he offered himself (for, as he gallantly said, he would not propose anything that he was not ready to undertake personally) to convert and quiet Lower Canada, as he had done Upper Canada by a merely moral power, and without a single bayonet; and had his views been adopted and supported at home, his experiment in the Upper Province would lead us by strict induction to say—he might have succeeded. But he certainly appears to have most unaccountably overlooked one main ingredient in the case—the neighborhood of the United States. This he candidly confesses:

'The foregoing opinions (which by her Majesty's government were not deemed worthy to be included among those submitted to the Imperial Parliament) clearly show that I had totally failed to foresee the invasion of our colonies by our American allies. I own, however (and the confession should *shame them*,) that it never entered into my heart for a moment to conceive that, while American friendship was standing smiling at our side, its hand was only waiting until we faced our difficulties to stab us in the back! "Experience," they say, "makes men wise," but where in the page of the history of civilized nations was such experience to be learned? It is recorded for the first time: and I humbly submit that I am much less deserving of blame for not having anticipated this attack than is the British nation, who, although the event has *actually* happened, can scarcely even now, by argument or facts, be persuaded to believe what the conduct of the American authorities has been.

'To repel this unprecedented attack of faithless friends the whole energies of the British Empire should, if necessary, be directed, just as they should be directed, to repel an invasion of our colonies by the power of France or Russia. But,

leaving this unnatural contingency out of the question, and returning to the domestic government of our North American colonies, I beg leave to say that, barring foreign invasion, I most unalterably adhere to the opinions expressed in the foregoing dispatch; for I well know that I speak the sentiments of the British population of our North American colonies, when I say that if, instead of sending out seven-and-twenty-regiments, her Majesty's Government would only send out one man, who, standing alone among them, would promise the people that, while he lived, the institutions of our empire should *never be changed*, a universal British cheer would resound throughout our colonies, and, "Reports" of alleged *grievances* would be heard of no more. When the people of Upper Canada were appealed to, did they not strictly fulfil the prophecy by responding to the call? And is it not an historical fact, that the brave inhabitants of New Brunswick, with their Lieutenant-Governor at their head, stood not only ready, but earnestly *wishing* to be called? Grievances! Separation from the mother country! Hatred to British Institutions!—*Natural* attachment to democracy! Commissions of Inquiry, one after another, may in our colonies no doubt collect complaints in detail, just as they would be collected from every regiment and every line-of-battle ship in our service were we to pay people for searching for them; but, let the enemy appear, let the British colours be hauled up, and let our people but see the foe who unjustifiably advances to deprive them of their liberties, and in one momentall complaints are forgotten.'—p. 213.

Our readers will recollect all the criticism that was subsequently directed against Sir Francis Head's conduct in sending the troops from the Upper Province to help in quelling the rebellion in the Lower, and the fact that he was surprised by an insurrection near his own capital: but the fate of that insurrection—the ease with which it was put down by the Canadians themselves—the loyalty and zeal with which the local militia rushed to the defence of the government—do certainly justify Sir Francis's theory. At all events, it is now evident that he was acting on a long formed and consistent opinion, and though we ourselves, for once, concur with Lord Melbourne that he appeared over-chivalrous, it must be conceded that he was not actuated by a mere impulse of thoughtless chivalry, but a deeply-reasoned moral principle, which, if he had had the execution of it, might have been as successful in Lower Canada as it had been in Upper Canada. One thing, however, seems to us to be now certain, that in addition to Quebec and Montreal there should be forthwith erected one or two fortresses in the Upper province to awe sudden invasion, and to afford the loyal inhabitants at least temporary refuge and protection. To the garrisons of one or two such points, we are inclined to think with Sir Francis Head, that—whenever and if ever the factitious sympathy of the United States shall have subsided—our transatlantic army might, under a wise, firm, and honest colonial administration, be reduced. It is the folly of Downing-street that drains the Horse Guards and beggars the Admiralty.

A small incident occurred about this time—very small in itself, but of the deepest importance as regards the management of our affairs in the Colonial Office.

A Mr. Morris had come over to London with the character of *delegate from the Presbyterian body in Canada*. He was so received in Downing-street;—and the first announcement that the Governor had of this gross breach of official discipline and public faith to a public servant was, the publication of a pamphlet in Canada, couched in intemperate and uncalled-for language, from which *inter alia*, it appeared that Mr. Morris had been allowed in Downing street the *full and entire perusal* of a dispatch, which had been sent to the Governor with a reference to *his* judgment whether the whole or a part only should be published in Canada:—The Secretary of State left the publication to the discretion of the Governor—but the *Office* seems to have annulled that condition and defeated the delusive discretion, by giving the entire dispatch into the hands of this private delegate!* Well may Sir Francis indignantly ask,

'Is there another public office in the state—in the world—which would permit its conditional or discretional orders to its confidential servants to be thus perused, while the matters were still pending, by interested or hostile individuals, whose known purpose was to thwart them?'—p. 217.

This is really if the fact be exactly told—for it is so monstrous that we almost hesitate to believe it—one of the most extraordinary instances of official duplicity and folly that we ever read of. Of itself it would be a sufficient proof that Lord Glenelg is the poorest creature that ever was exposed to ridicule and censure by a gang of blundering or malignant subordinates. This circumstance, trivial we say in itself, but momentous in principle, would suffice for *impeachment* of any man deserving the name of *minister*; but Lord Glenelg was at best but a *reed* blown about by every wind, and is now a *broken one*, and nobody, we suppose, will think it worth while to disturb his retirement. His own accomplices have, by his dismissal, done a small kind of public justice upon him; and the subordinates will we suppose, find shelter under the *broken reeds!*

'Et superimposita celatur arundine damnum!'

We are forced to pass over many other instances of the system of discouragement and interruption which every packet imported from Downing-street, to arrive at the incident which was at last the cause, or at least the excuse, of Sir Francis Head's recall. The case,—which, from its serious consequences, Sir Francis has thought necessary to exhibit in all its details—we must compress into a summary.

Mr. George Ridout, a lawyer, district judge, and magistrate, at Niagara, and a Colonel of Militia, was the leading oppositionist. With the usual false policy of Canadian Government, this gentleman had been

* After this monstrous violation of official confidence, what right could the Government have had to complain of Sir Francis Head for having revealed his own dispatches—even if *they* had not ordered them to be printed?

loaded with public favours, in the hope, as it is presumed, of conciliating his support—but in vain. At the great crisis of the general election, Mr. Ridout signalised himself in his opposition to the Government—he was a prominent orator at what was called 'a Society for Constitutional Reform,' but whose real object will be sufficiently established by the fact that its leading members were leaders in the subsequent rebellion. This society, on the eve of the elections, published an appeal to the people not to abandon their *faithful representatives* at the approaching contest; and they stigmatised Sir Francis Head 'as exhibiting alike a disregard of constitutional government in his conduct, and of *candour and truth in his statements.*' These insolent expressions were also embodied in an Address—which was read to the Governor by Mr. Ridout, at the head of a deputation from the public meeting at which it had been passed.

Soon after this, Mr. Ridout made a declaration which became the subject of general conversation, that, in the event of his being dismissed by the Governor from office 'Sir Francis would deserve to be *tarred and feathered*, and that *he* would lend a hand to do so.' In one of the public offices in Toronto he also declared that we must or should now have '*war to the knife.*'

One paragraph of Sir Francis's original 'Instructions' from the Secretary of State was directly applicable to such a case as this:

'I further unreservedly acknowledge that the principle of effective responsibility should pervade *every department* of your government, and for this reason, if for no other, I should hold that *every* public officer should depend on his Majesty's pleasure for the tenure of his office. If the head of *any* department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands. Unless this course be pursued, it would be impossible to rescue the head of the government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.'—pp. 243, 244.

Sir Francis Head, anxious not to impair the triumph of his appeal to the people by any circumstance that could look like either influence or intimidation, bore Mr. Ridout's menaces in silence, while the elections were pending; but when they were over, he lost no time in obeying the 'sincere Secretary of State's unqualified *Instructions*, and exhibiting 'the necessary firmness and decision,' by dismissing Mr. Ridout from all his offices.—Mr. Ridout did not venture to attempt a literal execution of his menace, to *tar and feather* the King's representative—twenty thousand gallant loyalists would have been ready to *tar and feather* any assailant of their governor; but Mr. Ridout, more prudently, though quite as unmercifully, handed him over—an 'animal bipes implume'—to be *tarred and feathered* by the Colonial Office. In short he appealed to Lord Glenelg. Downing-street at once took Mr. Ridout's part, and conducted its share of the ensuing correspondence in a spirit that would do honor to Furnival's inn. It adopted as 'conclusive' Mr. Ridout's denial of having been a member of the seditious society. Sir Francis had never said he *was*—but had very cautiously stated that he 'was a frequent attendant as well as speaker at the society' which had published that insulting address—which Mr. Ridout had been selected to read to the outraged governor! The governor had desired the Attorney-general to inquire into the fact of Mr. Ridout's participation in this society; and the Attorney-general reported that Mr. Ridout 'appeared to be an active member of that association.' Mr. Ridout, was a lawyer, and, it seems, a shrewd one; and though he made so prominent an *appearence* at those meetings, had, it seems, taken the precaution not to enrol his name; and the congenial spirit of Downing-street, in all the subsequent discussion, carefully omits the words actually used by Sir Francis—('was a frequent attendant and speaker')—and by the Attorney-general—('appeared to be an active member')—and rests the whole case on the naked fact, that he was not actually enrolled:—as if that 'quibble' could have really improved Mr. Ridout's case. A man might have innocently entered into a society which had deviated into proceedings which he did not approve; but when a man not actually belonging to a society, is voluntarily a "frequent attendant and speaker,' he proves that nothing but his strong adherence to the general principles of the society can bring him there, and he is therefore more individually responsible than many an enrolled member might happen to be. But in this case there could be no 'mistake!' The *Office* takes no notice of Mr. Ridout's having been the Society's spokesman of insult to Sir Francis head. Nor does the *Office* condescend to notice the ominous and since accomplished declaration of 'war to the knife,' nor the personal menace of 'tarring and feathering' the King's representative, towards which Mr. Ridout—one of the King's Magistrates and Officers—offered not merely the original idea, but a helping hand.

And here comes an incident that would be amusing if it were not disgusting. The before-mentioned paragraph of the Secretary of State's *Instructions* was written when Sir Francis was supposed to be a *Radical*,‖ and was clearly meant to enable him to get rid of '*every* man in *every* department' who should exhibit '*any opposition, avowed or latent*' to his *policy*;' that is, as we read it, any of the *British* party: but when it was found that this instruction had a double edge, and that Sir Francis had applied it to one of the *patriots*, what torturing of words, what ingenuity of construction was there not em-

‖ 'I can declare to your Lordship' [says Sir Francis Head in his dispatch to Lord Glenelg 1st June, 1836, page 105], 'that before I came to this country many of my friends fancied I was a Radical, and indeed I almost fancied I was one myself,' &c.

ployed to escape from the unexpected difficulty! '*Every man in every department*'—said my Lord Glenelg in his next dispatch,—did not mean '*every man in every department*,' but 'only those *high and confidential officers* with whom you [the governor] are habitually brought into confidential intercourse.' So that Sir Francis must have submitted to be *tarred and feathered* by the Colonel-Judge, because he happened not to be in habitual intercourse with him. And yet we really think that this perversion of the obvious meaning of the words was *sincere* on the part of the *Office*, and that the real *intention* had been to instigate the supposed Radical Governor to get rid of 'the high confidential officers of the government,' all friends of the British connection: but the *Office* had never dreamed that the *Instruction* could become applicable to any of the opposite party: and Lord Glenelg, to prevent any such untoward accidents *for the future*, now informed the Governor that henceforth he was *so* to understand his Instructions—namely, that he might dismiss the highest officer in the state for even 'a *latent* opposition,' but not a clerk or door-keeper for the most flagrant insolence and sedition. We beg our readers to observe under what flimsy disguises and contemptible casuistry the Colonial Office still worked towards its predetermined purpose.

In fine, after a long, ridiculous, and disgusting series of pettifogging quibbles on the part of the *Office*—which Sir Francis in each successive answer, brushed away like cobwebs—the Governor was peremptorily ordered to replace the *Tar and Feather Judge* on the bench, and *War to the knife Colonel* in his regiment. The Governor as peremptorily *refused to obey*, and again, for the third time, tendered his resignation. Lord Glenelg, with that species of bastard courage which belongs to weak minds and is usually called obstinacy, persisted in his orders for Mr. Ridout's re-appointment—Sir Francis Head persisted in his refusal—and *was recalled*.

He had equally refused to replace *Rolph*—to promote *Bidwell*—to concur in various analogous points with Lord Glenelg's *policy*. These disobediences the *Office* did not venture to punish; but fancying, with the *short-sighted* ingenuity of casuists, that Mr. Ridout's not having been an actually enrolled member of the seditious society gave them a *verbal* advantage (which it did not) over Sir Francis, and at all events, despairing of finding a better, they determined to make this the pivot, bad as it was, for turning him out.

Strange as all these circumstances must appear, we find in Sir Francis Head's second edition a still stranger confirmation of all his views on this particular case After he had returned from the Government of Upper Canada, Sir George Arthur, who succeeded him, investigated Mr. Ridout's case, by order of the Colonial Office; every chance was given to Mr. Ridout, in Sir Francis Head's absence, of showing cause for his restoration to office:—Sir Francis Head states that he understands that Mr. Ridout *totally failed*, and that Sir George Arthur has most decidedly recommended that Mr. Ridout should *not* be restored to the Offices from which Sir Francis had removed him. If Lord Glenelg could 'open his ponderous and marble jaws,' what would he say to this?

In this affair there happened to be simultaneously mixed up its absolute converse. Sir F. Head had promoted the Solicitor-General, Mr. Hagerman, to be Attorney General, but Mr. Hagerman was accused to the *Office* of having said, in a stormy debate on the clergy reserves, that 'the Church of England was the established Church—that the Church of Rome was *an* established Church—but that the Church of Scotland, out of Scotland, was no more an established Church than any other congregation of dissenters.' Mr. Hagerman might have said so with perfect truth—particularly in reference to the Canadian colonies, where the Church of England is the established Church—the Church of Rome is, by the original capitulation, an established Church in Lower Canada—but in neither of these provinces, nor anywhere else that we know of out of Scotland, can the Church of Scotland be what is technically called an *established Church*. Mr. Hagerman, however, denied that he had, even in the heat of debate, used the obnoxious phrase—it was proved that he had even spoken and voted for putting the *Church of Scotland* on *the same footing with the other two Churches*—but the explanation was fruitless; Lord Glenelg—who so inexorably shut his ears to the unprivileged and vulgar insult of Mr. Ridout to the king's representative—was so sensitive to Mr. Hagerman's alleged expression as to the Church of Scotland, that, in spite of the high personal character of that gentleman, his approved loyalty, his official claims, and the recommendation of the Governor, Lord Glenelg refused to Mr. Hagerman the confirmation of his professional promotion. Was there ever such suicidal inconsistency?

In one of Lord Glenelg's letters on the subject of Mr. Ridout, there is a passage, on which recent events afford an amusing commentary. Lord Glenelg was made to say to Sir Francis Head—

> 'You have, in your dispatch of the 9th February, observed that, in no department of the State, not even in my own office, has it ever been deemed necessary, or even advisable, that every reason for which an individual is to be relieved from office must be stated to him; that it may be necessary to remove a public officer for many reasons, which it may not be desirable to explain to him.
>
> 'You must permit me to state unreservedly, that this answer appears to me inadequate; first, I am totally ignorant of the existence, either in *this office* or any other department of the State, of any such practice as that to which you refer.'—pp. 260, 261.

We apprehend that poor Lord Glenelg is *now* no longer 'so totally ignorant of the practice, even in the Colonial Office, of removing a public officer without giving him a previous explanation of all the reasons of

such a proceeding.' We are curious to know with what feelings the great *Somnambulist*, who walked so unconsciously out of Downing-Street into George-Street, must have read this passage, which he perhaps did, for the first time, in Sir Francis Head's printed pages.

But while the directions for the promotion of *Bidwell*, and the still more imperious mandate for the restoration of *Ridout* were on their way—the insurrection broke out, and the rebels attacked Toronto with the name of

BIDWELL

as conspicuously prominent on their traitorous flag as it had previously been in the recommendatory dispatches of the Colonial Office. Sir Francis' policy was now to be brought to another great and awful trial. It had been victorious in the severe test of the general election. It was now to pass through the appalling *ordeal of fire and blood*! and it was again triumphant. Such things lose much of their well-merited fame by being performed on a distant and narrow stage; but is there to be found in the history of nations any other example in which, within so short a space and by such extreme accidents, the merit of one man's policy was ever so severely tested! When the news reached us in England, ignorant of all the details of Sir Francis' administration—of his acts—his principles—his antecedent successes—his hopes for the future—nine men in ten gave up Canada as lost, or only to be preserved by a long and bloody struggle. How unexpected the result—*afflavit Deus, et dissipantur!* The providential policy which had brought the *Canadian* people to a true sentiment of their social, their moral, and their sacred duties bore its happy fruits—and after a short though sharp contest, the Canadas have been, in spite of all the mismanagement of Downing-street, united to the mother country in ties more strong, more affectionate, and more lasting—if Lord Durham's mission has not impaired them—than ever.

We wish we had room for a republication of the dispatches (with the important passages suppressed by the Government at home) in which Sir Francis announced this moral triumph—moral we call it, for arms had less to do with this victory than any that ever was won—in which he does such grateful honour to 'the *noble* province,' as he justly calls it, and in which will be found the best defence of what we will call—in defiance of Downing-Street—the *noble* policy by which he had prepared this result. One letter, however, describing the capture of the American pirate Caroline, is too remarkable—both for the events it tells, and the style of narrative—to be wholly omitted. Our extract will be of considerable length, but no reader will wish that we had curtailed a word.

'As soon as I found that this portion of the British empire was perfidiously attacked and invaded by American citizens, under American leaders termed "Generals"—that artillery and muskets were brought against us from the State arsenals—that Navy Island' [situated a short way above the great Falls of Niagara] 'belonging to Her Majesty, was actually seized by Americans—that batteries were formed there, from which shot were fired for many days upon the inoffensive inhabitants of this province—and that the Island was regularly supplied, by boats from the American shore, with provisions and munitions of war, I approved of the recommendation of Colonel M'Nab, commanding on the Niagara frontier, that a naval force or flotilla, under officers of experience, should be constituted; and, feeling that it would be unjust, that, in the name of her Majesty, I should require naval officers to leave the back woods, into which they had retired, without recognizing them in the professional capacity in which I had especially called them into action, I directed my military Secretary, Colonel Strachan, to forward to Colonel M'Nab a written communication, directing him to call upon such naval officers in the province as he might deem proper to select, to afford me their services, on the understanding that they would receive their full pay during the period they were thus publicly employed by me on her Majesty's service. In consequence of the above communication (which I at once think it right to acknowledge contains no authority beyond what the Lords of the Admiralty may, from the emergency of the case, deem proper to confirm to it) Colonel M'Nab called upon Captain Drew, R. N., to collect and command a flotilla of gun-boats and other craft, to be immediately fitted out for the purpose of attacking Navy Island. While the gun-boats were being prepared, the American force, under the American commander styling himself General Van Rensselaer, continued, day after day, to fire from Navy Island upon the unoffending inhabitants of the Niagara frontier, although not a gun had been fired on the part of the British, although the American forces on our island were daily increasing, and although a steam-boat, chartered by those pirates, was actually employed in transporting to the island munitions of war for the purpose of aggravating the insult which, in a moment of profound peace, had perfidiously been made by American citizens upon her Britanic Majesty's dominions. Under these circumstances, Colonel M'Nab determined, as an act of self-defence, to call upon Captain Drew to capture, burn, or destroy this steam-boat. Accordingly about eleven o'clock the same night, Captain Drew, with five boats, containing nine men each, pushed off from the British shore. The boats were commanded by Captain Drew, R. N., Lieutenant M'Cormack, R. N., Lieutenant John Elmsley, R. N., Lieutenant Christopher Beer, R. N., and ——— Gordon, a commander of a steam-boat.

'As soon as they were clear from the shore, Captain Drew ordered his followers to rest for a few moments on their oars, and, while the current was hurrying them towards the Falls of Niagara, which were immediately below them, he briefly explained to the crew the duty he required them to perform and the post respectively to be assigned to each. Silence was then preserved until Captain Drew's boat came within fifteen yards of the steamer, (which was obscurely seen moored to the American wharf at Fort Schlosser,) when the sentinel on board in a hurried manner called out, "Boat ahoy! boat ahoy! Who comes there?" A man in the bow of the leading boat replied "Friend!" on which the sentinel called for the countersign. "*I'll give it to you when we get on board*," replied Captain Drew, who, by this time being close to the vessel boarded her on the starboard gangway, and from an over anxiety in his crew to follow him, it so happened that, for more than a minute, he was the only assailant on the pirate's deck. Captain Drew then encountered five men, one of whom

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fired his musket close to his face, but missing, he [Captain Drew] immediately cut him down. Captain Drew then disabled another of the pirates; and, with the *flat* of his sword, driving the other three before him, occasionally hastening them with the *point*, he made them step from the vessel to the wharf. By this time Lieutenant M'Cormack had boarded on the starboard bow, and, it being so dark that he could not recognize the men he found there, he asked them "if they were friends or enemies!" One of them replied "An enemy!" and, immediately firing, shot him through the left arm. Lieutenant M'Cormack instantly cut this man down; several of the pirates then fired upon Lieutenant M'Cormack, and wounded him in five places; yet, in spite of this, he effectually disabled another of them, and then sinking from loss of blood, the vessel was carried; when Captain Drew immediately ordered a party of his men to cut her off It was, however, found that she was moored to the wharf by chains from the bow and quarter, which it required nearly fifteen minutes to unloose. During this delay the American guard stationed at the inn above Fort Schlosser turned out, and commenced firing upon the assailants; in consequence of this, Lieutenant Elmsley, R. N., heading a volunteer party of sixteen men, armed with nothing but their cutlasses, advanced about thirty yards towards them, and forming a line, they gallantly stood there to protect the vessel against the American riflemen, until the chain-cables were cast off. The crews, now returning to their respective boats, towed the vessel from the wharf; but the current *irrevocably drifting her towards the Falls of Niagara*, Captain Drew assisted by one man, set her on fire; and, as soon as she was fairly towed into the stream, the assailants, finding that she was more than they could hold, let her go; and, giving her three British cheers, they rapidly pulled away for their own shore, while the pirate steamer slowly glided towards her doom! A small light glowing within her suddenly burst from her hold, and in a few minutes the guilty vessel, enveloped in flames, was seen hurrying towards the rapids, down which she hastily descended, until—reaching the crest of the Great Horse-shoe Fall—*over she went!* Your Lordship will imagine, better than it is possible to describe, the solemn magnificence of this spectacle; yet it does not exceed the *moral* picture exhibited at the capture of the vessel.

'The justness of the cause, the noble project of the attack, the coolness with which it was executed, and, lastly, the mercy that was shown by our brave fellows the moment the vessel was their own, are naval characteristics which reflect honor on the British empire in general, and on this noble province in particular. I therefore feel it my duty to request your Lordship to lay my humble testimony of the merits of Captain Drew (whose intrepidity and generosity are beyond all praise) before the Lords Commissioners of the Admiralty, to whose liberal consideration I beg leave most earnestly, but respectfully to recommend him. I also feel it my duty to bring before their Lordships' especial consideration the case of Lieutenant M'Cormack, who is still lying on his back completely disabled; and I much fear that one of his five wounds will require the amputation of his left arm.* This loss, to a backwoods-man, upon whose manual labor his family is dependent for support, is irreparable; and I feel confident that her Majesty's Government will consider that, as it is highly advantageous that the Queen should be enabled to call upon the retired naval officers in this province whenever their professional services on the lakes may suddenly be required, so it is not only just, but politic, that, if disabled, they should not be allowed to suffer from privations which might tend to deter others from following their noble and patriotic example.'—Pp. 377-383.

* 'I visited this officer shortly after he was brought on shore, with five gun-shot wounds *through him*. He was of course in a high fever; but even in that state, he expressed the satisfaction he felt at having had an opportunity of serving his country.'

What mind, that has been excited by this panoramic and heart-stirring narrative, will hear without a revulsion of disgust and shame that Captain Drew and Lieutenant M'Cormack remain, as far as we can discover, unrewarded, undistinguished, unnoticed! This may be meant to *conciliate* the Americans—a miserable policy, which will fail in that object, but may *not*, alas! fail in *alienating* the Canadians.

On Sir Francis Head's return, his very first urgency—far before any personal—even before any general objects—was to repeat—to press on the Colonial Secretary, the claims upon Her Majesty's Government of Colonel FitzGibbon, who had commanded the attack of the Rebels on Gallows-hill;—of Captain Drew, who had commanded the successful attack of the Caroline;—of Lieutenant McCormack, who had been there wounded and disabled;—and of the widow of Colonel Moodie, who had been cruelly murdered as he was gallantly bringing intelligence of the approach of the rebels.

We believe that Lord Glenelg has evaporated from Downing street without having accomplished any one of 'these duties' (as Sir Francis justly calls them) 'of public gratitude for public services;' but not, we hear—for there are points on which even a *Somnambulist* is awake—without taking care to obtain *his own* retiring pension.

This seems so incredible—so impossible—that we could not persuade ourselves that these debts of public gratitude did really remain unpaid—though Sir F. Head might have been discourteously kept in ignorance of the success of his recommendations; but we have examined the official lists, and we cannot find that Colonel FitzGibbon has received any advancement. Commander Drew is still Commander Drew, but not, in other respects, as happy as he was before these events; for he is a *marked* man—we are informed that twelve ruffians lately attempted to assassinate him; but finding him on his guard, ran away, and in their retreat murdered Captain Usher. And the name of the mutilated lieutenant is not to be found in the list of wounded and pensioned naval officers. We should not now be surprised to learn, that they all had been reprimanded, by the proper authorities, for having *officiously* interposed in a matter in which they had no *official* concern.

Such is our short, feeble, and inadequate summary of the wrongs, the injuries, and the injustice—provincial and personal, public and private—of the noble province of Canada, its governor, and its public servants, which Sir Francis Head felt it to be his duty to represent in his admirable, and as it seems to us

unanswerable letter, (already alluded to,) addressed, on the 18th September, 1838, to her Majesty's First Minister, with an urgent request that his Lordship would allow the writer an opportunity of establishing the truth and justice of his representations. In reply to this communication, Lord Melbourne, in a note marked 'private,' declined to accede to his request. Sir Francis bowed dutifully, though reluctantly, to this decision; and the whole of these marvellous proceedings would have remained buried in the discreet dust of Downing Street, but for the fortunate appearance of Lord Durham's voluminous and (as Sir Francis courteously admits) 'unintentionally' calumnious *Report*.

Having already touched on nearly all the questioned points of Sir Francis Head's policy, it were needless, even if we had room, to reconsider them with reference to Lord Durham's several assertions; those who wish for a nearer view of the unequal contest must read Sir Francis's volume, and by few who call themselves readers will it be unread.—But we cannot omit the indignant, yet amusing, picture which Sir Francis Head gives of the unjust and dogmatical spirit of Lord Durham's *Report*, compared with the noble Lord's time and opportunities for attaining even one jot of information on the thousand and one subjects of which he so *dictatorially* treats.

'Although but little versed in history, I firmly believe it nowhere contains a more affecting picture than has been exhibited to the civilized world for the last two years, by the brave resistance which a small British population has been making against the unprincipled attacks by which the Americans have endeavored to force upon them republican institutions. The instances of individual courage that could be detailed are innumerable; while, on the other hand, the conduct of the assailants has been stamped by cruelty and cowardice. I must own, that when I daily think of the number of our soldiers who have untimely fallen—of the manner in which Colonel Moodie, Lieut. Weir, Lieut. Johnson, Staff-surgeon Hume, have been butchered and mutilated—of the privations and losses the people of Upper Canada have patiently endured; and when, on the other hand, I reflect that, on the last invasion at Sandwich, a body of American sympathisers, escaping into our woods, remained there starving from hunger and cold—not daring anywhere to ask even shelter, of those whom they had professed they had invaded to liberate them from the British Government, but wandering through the province until, worn out by the punishment of their guilt, they perished in the forest in such numbers, that nineteen corpses were in one spot found frozen to death round the white embers of a fire:—I own that when these two pictures come together before my mind, it is filled with astonishment that Lord Durham, with this glaring evidence before him, could deliberately declare to our youthful Queen that the people of Upper Canada are dissatisfied with their institutions—that he could possibly find in his heart to submit a report to her Majesty without a single word of commiseration of the unexampled sufferings which had afflicted—without a single word of approbation for the gallantry and fidelity which had distinguished her Majesty's loyal and devoted subjects in the Canadas; but which, on the contrary lauded in well-measured terms the detestable invaders of their soil! But it really seems to me that Lord Durham has looked upon British North America in general, and upon Upper Canada in particular, through a glass darkened.

'It is possible that the public authorities whom his Lordship, as her Majesty's High Commissioner, has deemed it proper to revile, will feel it their duty patiently to submit to his remarks; but, when it is considered that Parliament may be advised by her Majesty's Government to *legislate* upon this most mischievous document, I feel it my duty to join with the rest of the community in gravely considering what opportunity Lord Durham has had for forming the astonishing opinions which are propounded in it.

'"*It is said*" [a favorite phrase of this *accurate* Report] that his Lordship came up the St. Lawrence in a steam-boat exclusively appropriated to himself and his suite;—that on arriving at Kingston he landed to receive an address, and then proceeded by water to Niagara, where he passed the county town without receiving the address that was framed for him, or conversing with its inhabitants;—that at the Falls his Lordship remained about four days, part of which time he was unwell, part was devoted to military review, and the greater part in receiving Americans and others who attended his Lordship's levees, balls, and dinners;—that thus intently occupied, he had not time to visit the most interesting part of the Welland Canal, which was within six miles, although his Lordship had offered to procure assistance of £150,000 from Her Majesty's Government;—that in crossing to Toronto he touched at the termination of the Canal in Lake Ontario without inspecting the work;—that at the seat of government at Toronto he spent twenty-four hours, principally occupied with a levee, receiving addresses, and with a state dinner;—that his Lordship then made the best of his way back to Montreal; and that in such exclusive dignity did he travel, he would not allow even the public mail to be taken on board at Cornwall, by which it was delayed a day.

'If the above reports be correct, it would appear that his lordship left Lower Canada only for ten days, during which time he had to travel by water about 1000 miles.

'Although the preceding Governors and Lieutenant-Governors of the Canadas have formed their estimate of the country and inhabitants by personally visiting them on easy terms; although even his Grace the Duke of Richmond (whose noble memory in the Canadas is deeply respected) rode post through the province just as our country gentlemen fifty years ago used to ride through England; yet I cannot but admit that the halo of glory which every where accompanied his lordship, the "*champ de drap d'or*, on which wherever he landed he was seen to tread, produced in the Canadas a very favourable effect. Mankind are always led by outward appearance, and I therefore will not deny that as my Lord Durham, surrounded by a brilliant staff, and *unprejudiced by the conversation of a single Canadian*, ascended the great St. Lawrence, and traversing the noble Lake Ontario, which is forty miles broad, proceeded to Niagara, the fine hotel of which had been previously cleansed of every visiter, his lordship's career resembled the course of a heavenly meteor; but admitting all this, admitting the weight and consideration it very properly obtained for his lordship, yet as not only the welfare and the very existence of our North American Colonies, but of our interests at home, hang upon the importance due to Lord Durham's Report, I beg leave to say, that, in my humble opinion, under such circumstances, his lordship had not as much means of writing the history of the American and Canadian territories between which he sailed, as *poor, blind Lieutenant Holman, R. N.*, would

have possessed, had he socially travelled the same distance by public conveyances.'—pp. 470-476.

And then Sir Francis very modestly and sensibly questions whether—

'His lordship, in five days' sailing through Upper Canada, has become better acquainted with the interests and disposition of its people than I am, after having traversed it in all directions, on horseback, and even on foot—after having slept in its forests—mingled with its inhabitants in times of peace and war, and after an actual administration of the government during three sessions of Parliament.'—p. 474.

More by and by of Lord Durham. We must now return to Downing street.

Our readers will, in the course of these details, have often asked themselves how it can have happened that Lord Glenelg, a man educated in the school of high toryism—of good moral and strict religious principles of gentle manners, of a lettered mind, and so essentially *aristocratic* in his personal feelings, as to have — undistinguished by any one of the circumstances that usually lead to such an honour—slipped by some silent process into the House of Lords, and assumed a feudal title to which he had, we believe, the slenderest of claims; how such a man, in England, should be a favourer of democracy in Canada? The answer is, that his lordship was no intentional favourer of democracy, but that the love of quiet and the love of place, operating on no very masculine understanding, made him what is vulgarly but expressively called the *cat's paw* of some stronger, or at least shrewder intellect, which directed to its own aims his lordship's frequently unconscious movements.

This theory Sir Francis Head adopts, and charges, directly and by name, this baneful influence on the gentleman whom we have glanced at as *Mr. Over-secretary Stephen.*

He first opens his general proposition,—

'The loyal British population of the Canadas loudly complain that there exists in the *colonial department* an *invisible overruling influence*, which either favors the introduction of republican principles as productive, in theory, "of the greatest happiness to the greatest number," or, acting under the mistaken persuasion that democracy must inevitably prevail over this continent, deems it politic to clear the way for its introduction, rather than attempt to oppose its progress, in short, it has for many years been generally believed that, however loyal may be the HEAD of the colonial department, its HEART is in favor, not only of republican institutions, but of the expediency of assisting rather than of retarding the launching our North American Colonies into that vast ocean of democracy.

'If a statement of the above opinions were to reach your lordship anonymously, or bearing the signature of a few individuals, or even of a large body of individuals, it would, of course, be cast aside as contemptible; but your Lordship, whose attachment to the British Constitution is well known, will, I conceive, be startled, when I tell you, not only that the British population of the Canadas partake largely of this opinion, but that I, her Majesty's representative in this province, am of that opinion—that the late Lieutenant-Governor, Sir John Colborne, who had eight years' experience, is of that opinion—that Lieutenant-General Sir Peregrine Maitland, who, as Lieutenant-Governor, had ten years' experience, is of that opinion—I believe Lord Aylmer, Lord Dalhousie, Sir A. Campbell (the late Lieutenant-Governor of New Brunswick,) to be of that opinion—and, moreover, that the if Lieutenant-Governors of *all* the British Colonies were to be examined by your Lordship, their testimony would, generally speaking, substantiate rather than deny what I have stated.

'Your lordship must, of course, be aware, that a monarchy may be mechanically lowered into a republic by means of an inclined plane, the angle of which may be so acute, that the surface to a common observer appears to be level.—And that this may be practically effected by a secret influence, which it may be almost impossible to detect.

'For instance, there may be appointed to the government of her Majesty's colonies a series of military men, each ignorant of the principles of civil government, as well as unacquainted with the various classes of society of which it is composed. The lieutenant-governors, observing that they are applauded whenever they concede any thing to the House of Assembly, and that, somehow or other, they invariably get themselves into difficulty whenever they support the legislative council, may, for a long time, be led unconsciously to do what all military men are naturally disposed to do, namely, recklessly to carry into effect the *spirit* of their instructions.

'So long as they do this, they may peacefully enjoy their stations; but when experience in their new professions opens their eyes—when reflection staggers their judgment,—when beginning to perceive that concessions to what is falsely called "the people" increase rather than satiate the appetite,—they appeal to the Colonial-Office, and, in language military rather than diplomatic, bid them "*be firm*," then, and from that moment, they may immediately find themselves unaccountably afflicted with a *sweating sickness*, which is a sure precursor of their removal. The language of praise ceases to cheer them,—they may receive slight rebukes,—objections may be raised to the appointments which they may make,—people who oppose them in the colony may be raised to distinction.—any trifling disputes in which they may be involved may invariably be decided against them,—their tiny authority in the colony may continually be shaken, until, by a repetition of petty circumstances, which mortify rather than offend, they may become disgusted with their duty, they may intemperately profier their resignation, a new man may be appointed, and the same process may be renewed.

'The whole of these circumstances may occur, the democratic power may gradually be increased, the influence of the executive may gradually be diminished, the whole loyal population may become indignant at observing their inevitable declination towards democracy, and yet there may be no particular moment, or no one particular circumstance sufficiently strong to arouse the colonial minister to a knowledge of the dreadful fact, that the *tendency of his own office* is republican, and that, while all on its surface is seen flowing towards the throne a *strong under-current* is absolutely carrying every thing away from it!'—pp. 281-285.

To this general charge, supported by a great number of facts, Lord Glenelg replies in a vague but not undignified style; and we hardly see—if the charge could not be distinctly and absolutely denied—how he could have done better;—

'To an officer serving under my immediate authority, who charges me with having surrendered the exercise of my own independent judgment to some invisible and overruling influence, exerted for

the introduction of republican principles into British North America, I need make no reply—committed to refer to his more calm and deliberate judgment the question whether it is fitting that so serious a charge should be conveyed in such a form and on such an occasion.'—p. 339.

This would have silenced an ordinary man; but Sir Francis Head—who perhaps doubted whether this very rebuke was the production of his lordship's own pen—was not to be driven by pompous phrases from what he believed to be the truth.

The rebellion broke out, and in the same despatch that announced its suppression Sir Francis Head distinctly states—

'My Lord, it has long been notorious to every British subject in the Canadas, that your lordship's *Under-secretary*, the *author of our colonial despatches* is a rank republican. His sentiments, his conduct, and his political character, are here alike detested, and I enclose to your lordship Mr. M'Kenzie's last newspaper, which, traitorous as it is, contains nothing more conducive to treason than the extracts which as its text, it exultingly quotes from the published opinions of Her Majesty's Under-secretary of State of the Colonies!

'These sentiments have already been very clearly expressed by me to your lordship, especially in my despatch dated 10th September, 1837; and I am perfectly confident that the triumph which this noble province has gained will never be complete until the Government shall *remove from office a man who, by discouraging the loyal and encouraging the disaffected, has at last succeeded in involving the Canadas in civil war.*'—pp. 326,327.

We are not much surprised that, on the close of such a conflict, Sir F. Head, like Hotspur,—

'——all smarting with his wounds,
Out of his grief and his impatience,'

at the fatal use which Mr. M'Kenzie had made of Mr. Stephen's *evidence*, should have expressed himself somewhat warmly on such a subject; but there is one point—and but one, as far as we know—in which he blames Mr. Stephen for what was, we think, the fault of others.

Mr. Stephen's *evidence* before a Committee of the House of Commons in 1828 was, as quoted *by Mr. M'Kenzie*, as follows:—

"It is impossible, *says* Mr. *Stephens*, to suppose the Canadians dread your power; it is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride or importance is in your favour. It can not be regarded as an enviable distinction to remain the only dependent portion of the New World."

These are unfortunate, and, as we think, quite unfounded opinions; but as Mr. Stephen happens to entertain them we do not see how he, in particular, can be blamed for having stated them. The system of inviting pragmatical economists to parade mere theories and opinions before Parliamentary Committees, under the name and pretence of giving *evidence*, is one of our recent and most offensive absurdities—but let that pass. It is to be observed, that at the time when Mr. Stephen gave this *evidence*, he held the office wholly, we believe, unconnected with politics, of *law adviser* to the Board of Trade and the Colonial office, in which his private speculations on such subjects were of little importance, and surely the culpability, the deep and indefensible culpability, was in the Ministers, who, after the publication of that *evidence*, chose to advance the gentleman who gave it, out of his natural line of life, into the high confidential and influential office of Under Secretary of State, and moreover to confide to him—of all mankind—the peculiar department of the Canadas! It would be too much to say that, because Mr. Stephen sincerely entertained such opinions—or even if he had taken them up as a mere political speculation—it would be too hard that he should have been therefore *tabooʼd* from the public service;—but surely he might have been left in his former easy and lucrative position, or, if he 'lacked advancement,' he might have been usefully employed in the Board of Trade—or anywhere else in short, save in that particular office and that particular department of office for which his no doubt *conscientious*—and if conscientious, the more dangerous—theories, rendered him a moral impossibility: but the present Ministers are 'as strong as Hercules' in accomplishing moral impossibilities—Sir Francis Head charges on Mr. Stephen the direct and dreadful responsibility of the Canadian rebellion, and the facts stated seem to prove that he may have been one of the proximate causes; but the real and responsible authors of all this calamity are the Ministers who so inconsiderately placed and so perversely maintained him in that incongruous position:

There has arisen on this part of the case an episode, which, though somewhat personal, is too curious to be omitted. The day after the publication of Sir Francis's work, the following letter appeared in the newspapers:—

'TO THE EDITOR OF THE MORNING CHRONICLE.

'Sir,—In a "Narrative by Sir Francis Head, Bart.," published this morning, I am denounced by that gentleman as "rank republican," and my "sentiments" are characterised "execrable, disloyal, and erroneous." In proof of these charges, the author, on the authority of Mr W. L. Mackenzie, has quoted from the evidence given by me, in the year 1828, before a committee of the House of Commons, some passages which *he has detached from the context*. You will much oblige me if you will republish in your journal the following extract from my evidence, in which I have distinguished by inverted commas the words *omitted by Sir Francis Head*."

'In page 27 of the same book, Sir Francis Head attributes to me the use of certain expressions respecting his official expenses and his claim to a baronetcy Upon these subjects I am under the painful necessity of opposing my assertion to that of Sir Francis Head. I did not use the language which he has attributed to me, nor any other words of the same meaning. I have the honour to be, Sir, your most obedient servant,

'JAMES STEPHEN.

'Colonial Office, Feb. 25, 1839.'

The words marked 'by inverted commas,' as 'detached from the context,' and 'omitted by Sir Francis Head,' are some palliative

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expressions, which do not, we think, much, or indeed at all, vary the case as regards Mr. Stephen's political character and sentiments; but as regards Sir Francis Head they are utterly irrelevant. They were NOT 'detached or omitted by Sir Francis Head,' but by Mr. M'Kenzie, whose newspaper, and that alone, Sir Francis professed to quote, and which he enclosed in his despatch; and, what is still more remarkable, they had been omitted in the official volume of the papers, prepared, no doubt, by Mr. Stephen himself, and laid, by the Queen's command, before Parliament on the 4th of May, 1838. (Parliamentary Papers, No. 357, p. 159; Appendix P. to the Report of the Select Committee of the Legislative Council of Upper Canada.) Whatever explanation Mr. Stephen might have thought it necessary to make should *then* have been given, instead of coming forth *now* to impugn the accuracy of Sir Francis Head, who has literally given the document as he found it. On the second point—'the painful necessity' under which Mr. Stephen felt himself 'of opposing his assertion to that of Sir Francis Head (on the subject of his official expenses and a baronetcy,) for that he did not use the language attributed to him, or any other words of the same meaning'—we learn from the newspapers that Sir Francis sent a friend (Colonel Wells) to Mr. Stephen, who explained that he did not mean to attribute *falsehood* to Sir Francis Head's statement. We confess we do not understand what Mr. Stephen can mean. It is a rule of logic and common sense, that of two contradictory assertions one must be false. Mr. Stephen does not attribute falsehood to Sir Francis; *ergo*—we leave Mr. Stephen, who seems to be a great logician, to draw the conclusion. But, supposing, as we willingly do, both gentlemen to be *bonâ fide*, and to differ only from the defect of memory in one, the facts must turn the balance in Sir Francis's favour; for the expenses WERE paid and, the baronetcy WAS granted, just as Sir Francis understood Mr. Stephen to promise; and we do not quite understand why Mr. Stephen should feel so much annoyed at the imputation of having for once held out to a loyal and distinguished public officer hopes of just consideration which were realised by the event.

If Sir Francis Head's surmise be just,—and we, from the internal evidence, are inclined to believe it—that the despatches signed by Lord Glenelg were written by Mr. Stephen—'the voice of Jacob but the hand of Esau'—we agree with Sir Francis that Mr. Stephen is an expert special pleader—but the gallant Canadian people joined issue with the learned gentleman, and there has been a glorious verdict against him.

It would not be worth while to affiliate—if we had the means of doing so—these despatches upon the Lord or the pleader: as specimens of casuistry they might have some backhanded merit; as the despatches of a Minister they are below contempt. As letters of business they are about the clumsiest and most confused we ever read—mere word-catching, with here and there a stilted truism which might have been interpolated by the verbose secretary himself in some waking moment to elevate the laborious hair-splitting of the chief manufacturer. In all that we have seen of them there is scarcely a word—much less an idea—that has any reference to the special physiognomy or condition of Canada, or any individual relation to its peculiar habits or localities, its statistical or commercial interests: they seem to treat the whole system of colonial government as a party squabble, a question of preference between this man or that—the favourite of the Colonial Office—or the friend of the British connection—in which the latter is always maltreated. They might just as well—*mutatis nominibus*—have been addressed to Trinidad, or the Cape of Good Hope, or Australia—had there been any wish to keep these places in what is called *hot water*: they are the profuse palaver of a dialectitian or controversialist (bating the absence of logic and the ignorance of facts,) and are no more the letters of a statesman entrusted with the practical affairs of a great country, than Mr. Walter Landor's 'Imaginary Conversations' are the 'History of England.'

But Sir Francis Head does not stand alone in this bold denunciation of the baneful influence and official disability of Mr. Stephen. He adds—

'It is necessary in my own defence, I should now inform the reader that not only did my predecessor, Sir John Colborne, distinctly allude to this secret irresponsible influence, but that in two most able reports lately addressed to her Majesty by the Legislative Council and House of Assembly of Upper Canada, reflections are directly made against Mr. Stephen's influence and principles; the Legislative Council describing him as "a gentleman in the Colonial Department,"—the House of Assembly openly mentioning his name!

'Besides this, in the leading article of the Montreal Gazette (one of the most respectably conducted papers in Lower Canada) there appeared, on the 22nd of November last, eight months after I had left Upper Canada, the following observations;—

"The weighty responsibility of the vast colonial charge is directed by one official who, unnamed and unseen, has the practical control of the Colonial Office, and is never in any way referred to at home. It is time that this system should be abolished—it is time that the baneful domination of Mr. Under-Secretary Stephen should be got rid of and that an entirely new system of things should be adopted.

"It is well known that Mr. Stephen has for many years past been the confidential adviser and director of the Colonial department; nor can it be doubted that to his evil influence must be ascribed all the misgovernment which these provinces have suffered for so long a period. Indeed, since that gentleman has made himself so officially necessary, he has prejudiced colonial interests more than he can, by any means, hope to repair, and has sat as an incubus, not only on Lord Glenelg's breast, and stifled his measures, but has equally stifled the good intentions as well as the active ability of his lordship's predecessors. The House of Assembly of Upper Canada, at its last session, pointedly noticed the influence of the person mentioned above, and we trust that it will be followed up by the legislatures of the other colonies: their internal peace, their advance in prosperity, and their continued connection with the parent country, loudly call for the expression of opinion upon a matter of so much importance to their best interests, and we trust that it will be openly and boldly avowed.'"

'To this opinion,' adds Sir Francis, 'which is infinitely more ably expressed than my own, I subscribe; and should I be called upon, either by her Majesty's government, or by either house of the Imperial Parliament to substantiate the allegations I have avowed, I shall at once give the following list of the witnesses to whom I refer: Sir Peregrine

* We have extracted out a small portion of this spirited article.

Maitland—Sir John Colborne Sir Archibald Campbell—the Crown Officers of Upper Canada—Chief Justice Robinson—the Legislatures of our North American colonies—the British Merchants in England connected with our North American provinces—the West India and other merchants connected with our colonies.'—pp. 373—376.

Such is this extraordinary story. We know not what effect it may produce in Downing Street—whether Mr. Stephen is to be allowed to be still the irresponsible and mole-working arbiter of all private and public interests, and to make and unmake governors at a more than royal will and pleasure; or whether—as we are induced to hope from some recent declarations of Lord Normanby in the House of Lords—a new and more vigorous intellect may vindicate its own duties and its own responsibility.—Lord Glenelg has, happily for the colonies & himself, vanished into the amiable shades of private life. He alone does not know why; we will tell him. He had conveyed the royal reprimand to Lord Durham, and, of course, his presence in the Cabinet rendered any accommodation with that Lord more difficult; and the decided enmity of Lord Durham and his House-of-Commons followers might be fatal to a ministry which has but a bare majority of half a dozen. But Lord Glenelg's colleagues could not have thus ventured to *burke* him if the country had not concurred with them—(and it is, perhaps, the only point on which they ever entirely agreed)—that he deserved an even more offensive dismissal, for his gross incapacity and notorious subserviency to underlings.—As to his Mephistophiles, Mr. Stephen, we trust that he may be soon removed to some situation for which he may be better (he cannot be worse) fitted; and that the public opinion in England, as well as the first and most anxious wish of our whole colonial world—the phrase is not too large for such mighty interests—may be propitiated by the removal of the 'incubus' which has so long oppressed and agitated them.

Let it not be thought that these are mere personal reflections. We speak not of persons, but of the personification of a principle, which every line of Sir Francis Head's book proves to have guided the dark and at length fatal policy of the Colonial Office. We doubt whether his exposure of this baneful system will not have been—next to his vindication of the Canadian people—the most immediate practical merit of his work.

But what is to be the future destiny of these colonies! This Canadian question is, as we once before stated, one of vast reach both into time and space; for our present management of those great colonies must determine whether they are to form, in future and not distant days, the subordinate tributary—or a powerful counterpoise and rival—to the United States. Even while we are writing, we learn that the ministers are preparing, or have prepared, their scheme.—We neither have the wish nor the means of anticipating what it may be; as little can we venture to foresee what additional difficulties the recent collision between New Brunswick and the State of Maine may produce. We will only deal with the matter as it at this moment presents itself to us; and we are inclined, from the best consideration that we can give the subject, as well as from the best local opinions, to think that the plan proposed in Sir Francis Head's dispatch of the 28th of October, 1836, would be upon the whole the safest and most satisfactory;—

'1. Let the Act giving up the revenue of the 14th Geo ge III be repealed.

'2. Annex Gaspe to New Brunswick.

'3. Annex Montreal to Upper Canada.

'4. Make the North bank of the Ottawa, the boundary of Lower Canada, giving the waters of the river, and the expenses of making them navigable to Upper Canada, Lower Canada having free right to use them by paying the same tolls as the Upper Provinces.

Upper Canada, which, without any exception, contains the largest region of black rich earth I have ever witnessed, would then comprehend almost all that is British in the Canadas, and it would have as its own port of entry Montreal, the wealth and importance of which would draw the exports as well as imports of the country to the St. Lawrence: whereas, continue to deny Upper Canada that port, and every person acquainted with the country foresees, and has long foreseen, that its produce, *pent up under high pressure must fly off by licit, or illicit means, into the United States.*

'As long as Upper Canada remained poor, and occupied in petty political discussions, the want of a free port of entry was merely a subject of constant complaint; but whenever it shall become flushed with wealth, unless free circulation be given to its commerce, I have no hesitation in saying I believe the people would revolt from any government on earth that should deny them *this natural respiration.*'—p. 131.

No fundamental change in the political constitutions of any of the provinces need, at least for the present be proposed:—but Lower Canada, that has voluntarily forfeited its *representative* constitution—for which we really doubt whether the French Canadians are yet ripe—should be governed by the *Queen in Council*—that is, as it formerly was, and as all our other colonies are governed which have representative Assemblies. In process, and we confidently hope no long process, of time, Lower Canada, would be brought back to its natural loyalty and good humour, and prepared for the restoration of the representative system; while Upper Canada would be at full liberty to push the long and vigorous arms of *commerce* to the Atlantic, and of *colonization* into the boundless West.

There is one leading point in this great question which we trust we may consider as already decided. Lord Durham's *Report*, and the scheme which it proposes, *must be utterly rejected.* Lord Melbourne, indeed said a few words on the first appearance of the *Report* which might lead us to fear an intention of adopting it—at least in some degree; but at that time Lord Melbourne could hardly have *read*—certainly not *considered*—that strange document.

Its pompous absurdities—its puerile pedantry—its distorted facts—its false reasonings—and its monstrous inconsistencies, are so flagrant as hardly to require any additional exposure. But contemptible as it may appear, it is produced under such ominous circumstances, and seems to be fraught with so much insidious mischief, that we think it our duty to endeavour to place in their true light a few, at least, of its absurdities and im-

quities. With *a few* our limits compel us to rest satisfied; a complete examination would have required a volume as bulky as itself, or as a *President's Message*; which species of state-paper it is indeed evident Lord Durham's Camarilla have kept before them as the true model of dignity, wisdom, brevity, and elegance. It would have been easy for us (though not perhaps very amusing to our readers) to exhibit gross vices and glaring contradictions in every page of this dullest and feeblest of follies.

In the very first feature is a gross and most important misrepresentation. It has forced itself into the world, not only by surreptitious means, but under false pretences. Lord Durham had no more right nor authority to make this '*Report to the* QUEEN' than any other individual; but it was thought expedient to invest this disingenuous production with a kind of official authority, and to veil its selfish, mischievous, and irregular character under a fraudulent—as it seems to us—colour of royal sanction. Her Majesty's ministers ought not to have received any report from a person who had, in defiance of the Queen's authority and their own, voluntarily cast off his official character, and annulled whatever authority he had possessed—who, deserting his confided duties, published at the same moment a Proclamation, which tended to disable and disarm his successor in presence of the enemy, and to endanger the safety of our North American dominions, and eventually of the empire at large—who *now*, after having done all the mischief he could in the provinces, promulgates here what he calls a *Report*, but, in fact a farrago of false statements and false principles, the poisoned shaft of the flying Parthian—which, if its levity does not render its venom innocuous, will be found, we *confidently predict* the *most fatal legacy* that could have been bequeathed to our American colonies.—We certainly have no very exalted opinion of the honesty, and still less of the firmness, of our ministers, but we do not believe that they would have accepted, much less promulgated, this pestilent production, if they had had an option; and the whole course of this extraordinary affair justifies, we think, a strong suspicion that the mysterious mode of giving it to the world—before the ministers could have considered it—was to *ensure its publication*, even in despite of them.

But it is not the mode of publication alone which betrays this consciousness on the part of the authors of the report, of its real character. They have endeavoured to mystify the public by prefixing to it a copy of '*Her Majesty's Commission*,' appointing John George Earl of Durham, &c., to be *Our High Commissioner*:' and then comes the Report, as if it were the natural produce of the said High Commission. This, we shall show to be a complete misrepresentation.

First: Lord Durham had ceased to be High Commissioner. He had by his own abrupt and most indecorous abdication of his duties, annulled his public character; and had no more official right to sit in judgment on the Canadas—than in a strictly analogous case—a *Lord High Steward*, created for the trial of a peer, would have to sum up the evidence, and pass sentence on the person tried three months after he had broken his wand and dissolved his *Commission*.

But let that pass: the 'Commission,' even if it were in existence, does not warrant the Report. The Commission carefully recites that it is as *Governor-General* that Lord Durham was invested with the *additional* character of *Lord High Commissioner*, 'with authority, by all lawful means, to inquire into' —and report?—no such thing—'to inquire into and, as far as may be possible, adjust all questions depending, in the said provinces, respecting the form and administration of their civil government;' and 'with a view to the adjustment of such questions, John George Earl of Durham is appointed Governor-General of all the said provinces.' The commission, therefore, was clearly a power given to the Governor-General, acting as such within his jurisdiction, of adjusting all such questions—subject, however, to the additional restriction of obedience to the instructions he might receive from the Secretary of State.—There is not here the slightest authority for making a report—a posthumous report—a report concocted in Cleaveland-row, in the parish of St. James, Westminster—not 'respecting the form and administration of the civil government of the said provinces'—but, *de omni scibili*—and, still more largely, *de omni prorsus ignito*—a Report, in short, which, like voluntary affidavits of diseases and cures, published by other quack doctors involves no legal nor even official responsibility for its truth or falsehood.

But, if any doubt could exist upon this point, we have other documents which settle the question. The original act creating Lord Durham's authority had this proviso:

'In order to the preparation of such measures as it may be desirable to propose to Parliament for improving the constitution of the provinces of Lower Canada and Upper Canada, and for regulating divers questions in which the said provinces are jointly interested, her Majesty hath been pleased to authorise the Governor General of her Majesty's provinces in North America to *summon a meeting*, to be holden within one of the said provinces, consisting of the said Governor-General and of certain persons to be by her Majesty or on her Majesty's behalf for that purpose appointed and also consisting of *certain other persons representing the interests & opinions* of her Majesty's subjects inhabiting the said provinces.'

This power of assembling a *Convention of* the two Provinces was subsequently omitted from the Bill, on the observation of Sir Robert Peel that it was a power which should be given by the royal authority, and not by the preamble of an Act of Parliament; and accordingly, we find it repeated in Lord Glenelg's Instructions to Lord Durham:

'In order to lay the ground for the permanent settlement of the questions which agitate Lower Canada, and also of those which create divisions between Upper and Lower Canada, it will probably be found necessary to resort to some legislative measures of a comprehensive nature. But before such measures can be framed and submitted to Parliament, it would be highly desirable to ascertain

the wishes and opinions of the people of both provinces regarding them.

'This object could best be attained by a personal communication on your part with such persons selected from each province as may be presumed, from their station, character, and influence, to represent the feelings of their fellow-countrymen in general. It seems advisable, therefore, to authorise your Lordship, if you should so think fit, to call around you a certain number of such persons, with whom you might take counsel on the most important affairs of the two provinces.'

From all this it is clear,

1°. That no power was given (nor indeed could be given) to Lord Durham beyond his actual tenure of office;

2°. That the powers given were to the Governor General and High Commissioner to adjust on the spot whatever could be so adjusted; and,

3°. That for those larger objects which he could not adjust on the spot, he should have summoned a convention to inquire, discuss, and report to the government at home.

No such convention ever was assembled, and therefore no such Report could be made; and therefore the present pseudo-Report is, in form, substance, and spirit, wholly unauthorised by—nay, in direct contravention of—not only the Commission, which is given as its foundation, but of the plain intent and meaning of all his instructions and powers. *Quod erat (à nobis) demonstrandum.*

We have dwelt on this preliminary point, because, important as we consider it to be—decisive, indeed, of the fraudulent character of the Report—we have not seen that it has been noticed in either House of Parliament. *Audaces fortuna juvat*; the boldness of the attempt of giving an *official authority* to this frothy farrago of individual ignorance and prejudice seems to have produced the desired effect of leading away the public mind from the considerations of those questions of Lord Durham's administration, for which he was legally and really, officially and personally responsible—*Quad erat (ab illis) faciendum.*

We have thus, we think, stripped this Report of its assumed character, and exhibited the real object and design of its authors—namely, in the first place, to issue, under some colour of royal authority, the most democratic and anarchical principles; and, secondly, to imitate that ingenious animal, the cuttle fish which when hard pressed, muddies the water, and makes its personal escape by a profuse shedding of its inky secretion.

Such being, as we conscientiously believe, the general design and character of the Report, we must now show how it proceeds to do its work.

It begins by laying down a fundamental principle:—The real struggle in Canada is one not of principle, but of *races*—the hostile divisions of French and English!'

Now, that the mismanagement of the Colonial Office, and perhaps some echo of the July Revolution, and the successful example of Irish agitation may have succeeded in alienating to a considerable degree the affections of the French Canadians, we are not prepared to deny;—but the theory of the *amour* which attributes the fact to a deep-rooted, hereditary and irreconcileable antipathy, is not only absurd in itself, but is wholly inconsistent with other assertions of the Report. Hostile divisions between *races* must be strongest, one would think, as each race should be nearest to the source of its original prejudices—but these races came into contact in Canada in the year 1760, when the English conquered the Province; and even then the French Canadians showed no antipathy to the English. A few years after came the American insurrection, which would naturally have brought out this national antipathy to England: it never appeared. Then France herself joined in the war, and sent armies and agitators to America: they found no sympathy in Canada. Then came the French revolutionary war, and a series of events that might naturally have quickened every French pulse throughout the world; but the French pulse in Canada was not merely quiet, but continued to beat with a steady and a healthy loyalty towards England. Then came the double war in 1813, in which American Independence and French glory made common cause against England: the French Canadians resisted both these natural impulses, not merely steadily, but *actively*: they took up arms—voluntarily, affectionately, enthusiastically, successfully, in defence of the 'hostile race,' and Canada was saved to England by those to whom the Report attributes an hereditary and irreconcileable antipathy. Can nonsense go farther?

Alas, yes! The Report subsequently admits that—

'The national hostility has not assumed its permanent influence till *of late years*.'—p. 9.

That is,—never showed itself until, had it ever existed, it would in the course of nature have gradually worn itself out. When it must have been strongest, it is admitted to be weakest. Again—

'During the first period of the possession of the colony by the English, intermarriages of the two races were by no means uncommon, but now are very rare.'—p. 17.

So that the first bond of human society, that which has harmonised all other nations, fails before Lord Durham's theory, and the national antipathy of the Canadians now breaks out under circumstances which have obliterated the natural antipathies of all the rest of mankind. But may not the personal deportment of the 'fiers Anglais,' their characteristic arrogance, and 'the exclusive favouritism' of the government to the British race, have alienated the insulted and injured French?—Quite the reverse—the hostility, it is admitted, has only assumed its marked character of '*late years*,' and the Report tells us in another place that—

'It was not till within a very few years that the [English] civil and military functionaries ceased to exhibit towards the Canadians an exclusiveness of demeanour'—'and a national favouritism.'—p. 14.

So that, according to this argumentation, as long as the Canadians were insulted and oppressed, they were contented and loyal—they intermarried with the sons and daughters of England—they fought with equal zeal and success the battles of England: but, within a few years, the social insult and the national oppression have ceased; and within the very same few years, the social and the national antipathy has burst out into irreconcileable hostility.

What, if all this were literally true, would it prove, but that in Canada, as in Ireland, and every where else, a system, in which *fear* puts on the fraudulent veil of *conciliation*, and attempts to buy a precarious quiet by unprincipled concession, is sure not only to fail, but to inflame and aggravate what was at first but a bugbear into a fatal reality?

But the Report, not satisfied with present misrepresentation and mischief, seems almost to wish that its prophecies should accomplish themselves. If there did really exist a national antipathy, should it have been proclaimed—inflamed—perpetuated? Is a doctor to tell a nervous patient that he *must* die? Is the Queen's representative to tell a distracted people that it never—no never—in any circumstances, or by any possibility, can be quieted?

'At the root of the disorders of Lower Canada lies the conflict of the two races; until this is settled, no good government is practicable.'—p. 27.

Very well—suppose this true—of course the Queen's High Commissioner, Mediator, and Pacificator will give some lenitive counsel towards settling it.

'I do not exaggerate the inevitable constancy any more than the intensity of this animosity: never again will the present generation of French Canadians yield a loyal submission to a British Government. In such a state of feeling, the course of civil government is hopelessly suspended. Nor does there appear to be the slightest chance of putting an end to this animosity during the present generation.'—p. 22.

On the last word of these marvellous opinions, delivered to the world under the semblance of the *Queen's Authority*, we should venture the emendation of a few letters, which, though it might not reconcile them with the *Report*, would at least make sense of the individual passage—for 'present *generation*' read 'present *administration*.' The recent insurrection—the continued provocation to disaffection which is weekly transmitted from England—and, above all, this Report (if it should meet any credence)—render, we admit, reconciliation difficult, perhaps distant; but, 'when the din of arms is passed'—and even though Hume and Durham cannot be gagged—we are satisfied that a brave, honest, and fearless policy will restore, and would restore, even if the animosity were deeper than we believe it to be, mutual confidence between the high-minded and tolerant English and the kind-hearted and amiable Canadians.

But, as if it were not sufficiently lamentable that the *Report* of the Queen's High Commissioner should thus contribute its vaticinal authority—————————to the perpetuation of internal animosities, the Report superadds a prophecy of still more formidable calamities from abroad. The French Canadians, says the *Report*—

'are reckless of consequences, provided they can wreak their vengeance on the English. No considerations would weigh against their all-absorbing hatred of the English. My experience leaves no doubt on my mind that an INVADING AMERICAN ARMY might rely on the co-operation of almost the entire French population of Lower Canada!'

To this astonishing assertion—and something worse than astonishing, from such a quarter—we answer as Sir Francis Head did to a similar menace from the traitor Papineau—'*Let them come if they dare.*' Let Sir John Colborne be sure of support and countenance at *home*—let him have to fight no enemies but those that either bank of the St. Lawrence may supply—and *let them come if they dare*—even, if instead of

'BIDWELL AND THE GLORIOUS MINORITY,'

they should bear on their banners the more ominous words of

DURHAM AND HIS GLORIOUS REPORT.

But, even while we write, the news of the invasion of New Brunswick gives a more awful importance to these passages. It is impossible that the *Report* could have reached America in time to have had any influence in producing the first proceedings in Maine*—but something of its drift may have transpired—and at all events it is impossible that in the course of the discussion or conflict it should not give encouragement to the pretensions of the American invaders.

It is really surprising to us—low as we estimate Lord Durham's prudence—that he should have seen the fatal inferences which might be drawn from these (as we are satisfied they were on his part) *inconsiderate* suggestions. Such opinions, we venture to assert, ought not to have been promulgated under the authority of the royal commission, even if they had been the painful result of the most mature consideration and conviction; but what shall we say when they are rested on such flimsy fallacies as we have seen, and illustrated by such childish inconsistencies as follow? The Report expatiates on

'the rarity, nay almost total absence, of personal encounters between the two races; their mutual fears restrain personal disputes and riots, even among the lower orders.'—p. 17.

This 'invincible national antipathy' can be, it seems, as tame as Van Amburgh's wild beasts and the total absence of personal disputes and riots might lead a common observer to doubt whether the antipathy really existed; but the report gets rid of the diffi-

* The coincidence however, is so curious, that it is worth while to state that the *Report* first appeared in the 'Times' of the 8th February, and the troubles in Maine took place three weeks earlier.

culty by attributing so remarkable a fact to the 'personal *fears* of the *lower orders*;' and what manner of personal fear?—of being thrashed by their adversaries, or sent to gaol by the police? Oh, no!—this prudent and thoughtful class of society acts on a merely moral consideration—a generous and self-denying principle—which does infinite honour to the *lower orders* in Canada. The French do not beat the English in the country, where the French are strongest, for fear the English should beat the French minorities in the town; and the English populace of the city will not touch the hair of a French head, lest they should draw down the *vengeance* of the French peasantry on certain isolated English settlers, in a distant district, about whose existence the said populace know and care just as much as they do of the squabble between the Hong merchants and the Hoo-poo at Canton. But, as if the absurdity of such a theory were not enough, the Report, in the adjoining pages, when it happened to suit some other view of the case, overturns its own facts, and admits—

'the animosity which exists between the working classes of the two originals.'—p. 15.

And again,

'National prejudices naturally exercise the greatest influence over the most uneducated. The *working men* naturally ranged themselves on the side of the wealthy and educated of their countrymen. When once engaged in the *conflict*, their passions were the less restrained by education and prudence, and the national hostility now rages most fiercely between those whose interests in reality bring them least into collision.'—(*ib.*)

And again,

'In Montreal and Quebec there are English and French schools; children in them are accustomed to fight nation against nation; and the quarrels that arise amongst boys in the street usually exhibit a division of English into one side and French on the other.'—(*ib.*)

The mode in which the latter contradiction would be reconciled is, probably, that as the antipathy has grown up *of late years*—the boys have caught it, but the men have not. These are samples, culled from its first pages, of the blundering blindness—whether wilful or natural it is not for us to pronounce—which pervades the whole *Report*, and forcibly reminds us of that elegant animal, who, when he commits himself to an element with which he is wholly unacquainted, cuts his throat while he fancies he is swimming. The more rapid the stream, the surer, we are told, is the *suicide*; and the St. Lawrence, therefore, is one of the finest rivers in the world for such an experiment.

From the *theorem* of national antipathy, the Report next proceeds to the still more important *problem* of the practical grievances of Canada and their remedies; and here again the authors contrive to make a fundamental mistake, which nullifies every page of their laborious dissertation. That fundamental error (perhaps we were wrong in calling it a mistake) is this, that they forget, or choose to forget, that Canada is a *province*—a *colony*. They measure it by a scale of doctrines which are applicable only to a national and independent sovereignty; nay, whatever is inconsistent with their notions, not merely of sovereignty in general, but of the sovereignty of the PEOPLE, is a grievance, and all their remedies lead directly or indirectly, to the same principle. If the *Report* could be personified we should say that it was a decided Jacobin of 1772, *qui n'avait rien oublié ni rien appris*. This perversion of the *colonial* character of the provinces so completely pervades every paragraph of the Report, that we are hardly able to select separate instances sufficiently short for extracts; but we shall try:—

He—our imaginary jacobin—begins by complaining, as a fundamental grievance, that by the original French constitution the Canadian

'was allowed no voice in the government of his province, or the choice of his rulers.'—p. 12.

This recondite historical fact—that France was not, prior to 1759, an elective monarchy, and that, consequently, the Canadian colonies had no voice in the choice of either the king or even the ministers of France—hardly, we think, deserves printing at the public expense in the year 1839. But our erudite Report goes on to lament that the introduction of the English system of representative assemblies did not cure this original sin—we may well call it original sin, for we believe 'tis as old as Adam—for, even in the interior management of the province, 'instead of legislating in the AMERICAN spirit,' they followed 'the spirit of legislation which prevails in the OLD WORLD:'—(p. 19) that is, the Colony imitated the *mother Monarchy* instead of the *neighbouring Republic*. And again—

'The motives and actual purposes of their rulers were hid from the Colonists themselves. The most important business of government was carried on—not in open discussions or public acts—but in a secret correspondence between the Governor and the Secretary of State.'—p. 29.

And again;—

'In all the Colonies the administration is habitually confided to those who do not co-operate harmoniously with the popular branch of the legislature:'

that is, the Governors are chosen by the Crown of England, and not by the People of the Provinces,—

'and it would seem as if the object of those who framed the Colonial Constitution had been the combining apparently popular institutions with an utter absence of all efficient control of the PEOPLE OVER their RULERS.'

Oh Shakspeare!—Shakspeare! by what spirit of poetical prophecy didst thou image that type of vulgar democracy that would submit to a King only on condition of being viceroy over him!

Following out this principle, the Report proceeds to state and 'to justify the encroachments of the Colonial Assemblies on the metropolitan sovereignty.

'The [Representative] Assemblies, however, soon evinced an inclination to make use of their

powers, and from that time, till the final abandonment in 1832 of every portion of the reserved revenue (excepting the casual and territorial funds) an unceasing contest was carried on, in which the Assembly, making use of every power it gained for the purpose of gaining more, acquired, step by step, an entire control over the whole revenue of the country.'—p. 28.

The sovereignty of the purse is a pretty large step towards absolute sovereignty, and so the Assemblies proceed to work out the proposition.

'A substantial cause of contest yet remained: the Assembly, after it had obtained entire control over the public revenues, still found itself deprived of all voice in the choice, or even designation, of the persons in whose administration of affairs it could feel confidence—the administrative power of Government remained free from its influence.'

In other words, Canada was a Colony, and its administration was directed by the sovereign and government of the mother country; and then the Report adds—'The powers for which the Assembly contended, appear in both instances to be such as it was perfectly JUSTIFIED in demanding;—and this justification is rested on reference to the constitutional practice of England—quite forgetting that England is not a colony, but the mother and mistress of colonies.

'Since the revolution of 1688, the stability of the British Constitution has been secured by that wise principle of our Government which vested the direction of national policy and the distribution of patronage in the leaders of the Parliamentary majority.'—p. 30.

And then the Report proceeds, at great length, to maintain that the application of any narrower principle to Canada is a preposterous anomaly. Now, a representative monarchy may be, for aught we know, a preposterous anomaly---a colony, with a popular representation, a still more preposterous anomaly---but neither can be so preposterous an anomaly as the investing what is called a colony with every form and power of the most absolute and entire sovereignty---in short, to use Lord Durham's own illustration---of giving to the colonial assemblies the omnipotence of the House of Commons of England.

This is the simple key which opens all the grievances and all the remedies of the Report---the House of Assembly are to be in the provinces what the House of Commons is in England! But, then, we ask, what power over the Colonies would remain, even to the House of Commons of England? We will not entangle the discussion with such small matters as the Queen and the Lords---but supposing, as in 1650, England a Commonwealth, and the House of Commons the sole government, what would remain to it of metropolitan power, if each of its colonies were governed by an equally independent House of Commons of its own? And yet it is the Queen's Ex-High Commissioner, the recent depositary and organ of the royal authority, and himself a Peer of Parliament, who promulgates these doctrines—this new, and to us incomprehensible system of 'colonial connection:' the Report calls it connection..to our understanding, it is absolute separation.*

Such being the disease, we admit that the Report is consistent in proposing its remedy. Lord Durham, it seems, long hesitated between a Federal Union of the several provinces—that is, the constitution of the United States—or a Legislative Union, with one sole and sovereign Congress for the whole; but he finally decides for the latter. This would, at first sight, surprise the reader of the Report, after the manifold hints everywhere thrown out, of the superiority of the American system, and particularly its singular appropriateness to Canada: but it does not surprise us—for the Legislative Union is but a shorter cut to a CANADIAN REPUBLIC;—and so we think our readers will soon be satisfied, when they come to examine the various considerations on which, if WE wished to establish a Canadian Republic, we should recommend this very scheme in preference to all others.

1st. The naked adoption IN LIMINE of the American form might startle men both at home and abroad: it would be imprudent to begin with showing our whole game.

2d. Nor would it be so certain to accomplish the desired result. In a federation of states, though meeting in one Congress, there might be a rivalry of feelings and interests: Lower Canada might take one view, Upper Canada another; New Brunswick might tend towards, or possibly against, its neighbors of Maine; Nova Scotia and the Islands might be influenced by the maritime power of the metropolis. The divided opinions of the local legislatures would be strongly felt in the circumscribed and responsible Congress: and the process of bringing them all to concur in throwing off the British monarchy might be difficult, or at best tedious. But, amalgamate them

* There is another inconsistency in the Report which deserves special notice. All the sovereign rights are to be transferred to the local legislatures, except ONE, the one with which, perhaps, they could best be intrusted, namely, the management of unallotted lands—that alone is to be reserved for the home government. Why?—to create a Board of Canadian Land Commissioners in London, at which some two or three of the authors of the Report would not be averse to sit!

all—create one single, unfettered, and, according to the hypothesis of the Report, omnipotent and House-of-Commons-like assembly—unchecked by local influences, uncontrolled by local legislatures—invested with the absolute power of the purse—with the making and un-making of 'its own rulers'—the sole arbiter of its own government—and add to all these, the ESPRIT DE CORPS, the vanity, the pride, the ambition, that are inevitably generated in such an assembly; and then—one passionate debate, one excited hour—one hasty, one enthusiastic, one intimidated vote—and the business is done!—done perhaps by a majority of ONE.

3d. Towards such a design, if WE entertained it, we should have proceeded just as the Report does. The French Canadians profess and possess an established religion that,—except when perverted by extraneous circumstances, as in Ireland, is essentially favorable to a monarchy: they are attached, also, to a kind of feudal system and a code of ancient law, which they venerate; they are quiet, indolent, contented, and affectionate: the unbridled sectarianism and the wild adventurous character of the population of the United States are alike repugnant to their religious feelings and their social habits. Though they may have been momentarily, accidentally, or by a train of infamous delusions, alienated from their monarchical allegiance, the events of 1813 show that it lay deep in their hearts, and may at any moment be revived. It might therefore happen that this, at the present hour, most disturbed district should be—on the question of assimilation to the American republic, found the most refractory: they might have the bad taste to abhor camp-meetings, Lynch-law, and the Bowie knife; and they might chance to be perversely resolute in their allegiance to the mild, paternal, and tolerant monarchy of England. These are possibilities which, with our supposed design, we would thus guard against. We should begin by attributing to these poor people a strong, and though only of a few years' growth, fixed and incurable antipathy to the British race. This, if we could contrive to get it promulgated (no matter by what undue means) from the highest authority, might be believed by both parties, and the alienation might really become mutual and invincible.

Having thus advocated their separate and special grievances, and given their imputed hostilities such undue importance in the scale as to make it the excuse of our ulterior proceedings, we should, when that purpose had been served, turn round on them and propose plans for their utter extermination. We should write a series of chapters under such significant heading as the following:—

'Lower Canada should be made ENGLISH.'—p. 103.

'Isolation of the French in an Anglo-Saxon world.'—p. 104.

'Hopeless inferiority of the French Canadian race.'—p. 105.

'Economical obstacles to perpetuation of their nationality.'—ib.

'The French nationality is destitute of invigorating [quere republican] qualities.'—p. 109.

'Character of the province should be immediately changed.'—ib.

And finally—

'Importance of preserving the SYMPATHY of the UNITED STATES!'

What think you, good reader? Have we made out our case? Do you now understand the Report, whose contradictions and intricacies seemed so incomprehensible at the outset? Could we—if we were planning the overthrow of our colonial dominion—have, with more art than this Report has UNINTENTIONALLY done, wound round the unhappy colonies a series of more sleek and serpent-like coils, till we finally developed the awful RATTLE at the tail! 'Importance of American SYMPATHY!' while Canada is bleeding and burning under the tender mercies of the AMERICAN SYMPATHISERS!

There we leave the more important and serious topics of this wonderful Report. We are willing to acquit Lord Durham, not merely out of courtesy but in sincerity, of having seen and intended all the monstrous results with which it is to our eyes pregnant; and we do so with the less difficulty, because with so much that appears to us mischievous, and even fatal, we find so many instances of mere absurdity, that we can hardly comprehend how such contemptible trifling could be mixed with any premeditated mischief; unless indeed it could be supposed that Lord Durham was only

> 'the tool,
> Which knaves do work with, call'd a fool.'

To justify in any degree this indulgent opinion, we think it necessary to give some specimens of the childish folly*

* The solemn nonsense of the statistical information given in the appendix to the Report is laughable. Take one example as extracted by Sir F. Head in his second edition of the 'Narrative':—
'Etat des Enfans Trouves qui ont ete aux soins des Sœurs Grises, de l'Hopital general de Montreal,

which tends to neutralise the portentous passages that we have already quoted.

What think you of a member of the House of Lords—to be sure a very new and unexperienced one—but what think you of any Englishman discovering as one of the great evils of the judicial system of Canada that—

'The appellate jurisdiction of Lower Canada is vested in the Executive Council, a body established simply for political purposes, and composed of persons in a great part having no legal qualifications whatsoever. On these occasions the two chief justices of Quebec and Montreal are ex officio presidents, and each in turn presides when appeals from the other's district are heard. The quorum of five, as a matter of course, leave the laymen who are present to make up the necessary whole matter to the presiding chief justice, &c. &.; and further, that the two chief justices constantly differed, and reversed each other's decrees.'—p. 44.

Monstrous! but has the Earl of Durham never heard of a certain appellate jurisdiction nearer home, in which a chief judge, who is EX-OFFICIO president of a political body, with only three laymen as an assistant quorum, decides all questions EN DERNIER RESORT—and in which the laymen, as a matter of course, leave the whole matter to the chief judge?'—Has he never heard by chance that one Lord Chancellor will sit as presiding judge when one of his predecessor's decision is questioned; that the predecessor will sit when one of the existing Chancellor's is appealed against; that it sometimes happens that one of these legal lords reverses the decision of the other; and that Lord Cottenham 'constantly reverses' the decisions of Lord Langdale? All this may be very shocking; but we did not expect to find it occupying so formidable a place in the catalogue of provincial grievances.

Think too of a British Governor General, with three legal advisers from the English Bar, recording as a grave Colonial grievance, that—though an English barrister may practise in Canada as a barrister—he cannot—PROH PUDOR! practise as an attorney! (p. 61:) We know not where the severity of this grievance is felt: hardly, we suppose, by English barristers, of whom 'VEL DUO VEL NEMO' would be very desirous of practising as attorneys at Patquashagama or Capoonnacaucaunistic; nor, we think, by the Canadian attorneys whose monopoly in Capoonnacaucaunistic is thereby protected; and least of all by the good people of the back settlements, who think that they have already more lawyers than enough. But what of that? we want grievances, and 'faute de mieux,' a grievance it shall be! Happy country where such are the grievances!

Think also of members of our Imperial Parliament, supporters, if not friends, of the present government, who condemn the Transatlantic legislatures to annihilation because, INTER ALIA,

'it is their practice to make Parliamentary grants for local works—roads, bridges, &c.—a system *so vicious* and so productive of evil that I believe that until it is entirely eradicated, representative government will be incapable of working smoothly and well in those colonies.'—p. 33.

We certainly believe that legislatures do sometimes make improvident grants for local and even personal purposes, but QUIS TULERIT GRACCHOS? What does Lord Durham think of the long series of grants, loans, advances to our Hibernian colony; 'so vicious and so productive of evil,' and some of which passed, we think, while he was in the Cabinet? What of Lord Morpeth's last Leviathan job of proposing £2,500,000 for Irish Railways, said his Lordship, for Irish TAIL WAYS, replies the indignation of England; but, at all events, we need not have sent to Canada for this species of grievance?

Again, on the important subject of the religious phenomena that must distinguish a country in which different persuasions are legalised, the Report makes some profound observations, only to be equalled in Dr. Swift's 'Tritical Essay on the Faculties of the Human Mind'—e. g.

'Religion forms no bond of intercourse or union.'—p. 15.

It is seldom expected to do so amongst opponent sects. Nay, it has been generally thought—though Lord Durham has not happened to hear it—to have rather a contrary tendency, even in Europe, and that not within the LAST FEW YEARS only; but notwithstanding this strange fact, that a diversity of religion does not tend to

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pendant le periode du 10 Octobre, 1836, au 10 Octobre, 1837.

'1. Etat des enfans qui etoient recus avant le 10 Octobre, 1836, et qui ont continue a etre en nourrice.

'(Here *follow* five folio *pages, containing a list of these little babies.*)

'*In this valuable document it is reported to the Queen that none of these babies had surnames, but their Christian names are all inserted, as well as the precise dates at which they were received by "les sœurs grises," the periods they remained with them, and the day of their deaths. Thus it appears that Francois lived two days; Jeanne, eight days; Marie Philomene, five days; Louis, five days; Corneille, eight days; Leander, six days; Edouard, four days; Mazimin, only one day; and so on for two hundred and fifty-six little babies!*

union, things of this sort are, on the whole, tolerably well managed in Canada :—

'It is, indeed, an admirable feature of Canadian society, that it is entirely devoid of any religious dissensions. Sectarian intolerance is not merely not avowed, but it hardly seems to influence men's feelings.'

We do not see how the result could be much better, even if rival religions had been a bond of intercourse and union. But the Report does not leave us long in the happy state of mind which this amiable picture of general tolerance creates,—

'For though the prudence and liberality of both parties has prevented this fruitful source of animosity from embittering their quarrels'—

not, we should have thought, a very fruitful source, since it produces NO animosity, yet—

'the difference of religion has, in fact, tended to keep them asunder.'

We might have been at a loss to guess how a matter that 'hardly seems to influence men's feelings' could, on the contrary, keep them asunder—but it is all cleared up by the crowning wonder—

'Their priests are distinct!'

MIRABILE DICTU! The same individual man is not, it seems in Canada, the Anglican parson, the Romish confessor, and the Presbyterian minister. PRODIGIOUS! and this announcement is followed by another equally astonishing :—

'They do not meet EVEN in the *same* church!'

That is, the Calvanist does not attend high mass, nor the Popish bishop the conventicle. CREDAT JUDÆUS!—but if it be true, this is clearly a state of society which it was well worth crossing the Atlantic to witness, and well worth coming back to tell!

But Lord Durham has made a still more curious discovery. Who do you think are the 'rival race' that divide Canada with the French? The English you will say, or the Scotch, or the Irish. No such thing. Oh! we see—his lordship always endeavours to speak with precision, even on the most trifling point—he, therefore, calls them by one generic name, the British—Not a bit of it! The Canadas were colonised first by the French, as we all know, and latterly, which nobody but Lord Durham knows, by the Anglo-Saxons! Yes, by St. Dunstan, and all the saints of the Heptarchy! all the EMIGRANTS or IMMIGRANTS* have been ANGLO-SAXONS! O, miracle of retributive justice! The French, under William the First, conquered the Anglo-Saxons, and the Anglo-Saxons, under William the Fourth, have taken their revenge in another hemisphere!

Now, that's what Lord Durham and Co. may call PHILOSOPHY—a comprehensive view of the origin of national prejudices! If the IMMIGRANTS had been English, or Irish, or Scotch, there might be some danger, perhaps—which would have spoiled half the Report—of their amalgamating with the French—but the Anglo-Saxons?—Never!

This stupid and blundering pedantry—particularly stupid, as the majority of the Canadian IMMIGRANTS are subsequently stated to be the aforesaid Scotch and Irish, who have not a drop of Anglo-Saxon blood in their veins—this stupid pedantry we suppose may be borrowed from an United States' affectation (which we formerly noticed in Dr. Channing) of dissembling their British origin under the title of Anglo-Saxon-Americans: but used as it is in this report PASSIM, seriously, and earnestly, to mark more strongly the fancied and factious antipathy between the French and English races, it is neither more nor less than what in French would be called a BETISE and in Anglo-Saxon—BALDERDASH!

We have neither space nor patience to drag our readers deeper into this mass of presumptuous and mischievous nonsense, and it is the less necessary, as some of its most prominent fallacies, both of statement and argument—which we might otherwise have been tempted to notice—have been exposed in a clever series of letters, published at first in the 'Times,' and since reprinted in a separate pamphlet, by 'A Colonist,' who knows, if it be not too much to say—ALMOST as much about British America as Lord Durham—does not. The Colonist is understood to be Mr. Justice Haliburton of Nova Scotia, the author of that lively work 'The Sayings and Doings of Samuel Slick, Clockmaker,' which so many people have read as a very amusing novel, but which is in truth a practical and patriotic view of the real state, the actual wants and wishes, and the future capabilities of our North American empire. Mr. Haliburton's remarks on the spirit betrayed in the Report of stern hostility to the Church of England, and indeed all British institutions, and of flattery and flummery—SOFT SAUDER—to the Roman Catholics, the

* His Lordship with his *usual* accuracy frequently *confounds* the words, he thus pedantically *distinguishes*:—one passage of the *Report* talks of 'a tax on *emi*grants as a check on *immi*gration.'

Dissenters, and the Americans, are powerful and conclusive, and prove that the Report has been concocted, much less by any sound or settled notions about Canada, than by a morbid anxiety to propitiate sectarian parties at home, and to atone with the Radicals in England for any little discountenance which Lord Durham was obliged to give the Radicals in Canada.

And now we ask, what is to be the result of all this? Will not every legislature in British America, which is not tainted with Papineau or Mackenzie disaffection, repudiate all concurrence in the Report of Lord Durham, and petition against the possibility of any measure built on so rotten a foundation? Will that 'NOBLE colony' of Upper Canada—will the loyal Province of New Brunswick—will the happy and prosperous people of Nova Scotia not raise their voices against this libellous Report?—Will not its echo reach even the poor misled and DOOMED French Canadians themselves, and will they not come forward to abjure the national antipathy and treasonable feelings attributed to them, and to deprecate the cruel extermination with which they are threatened? Will Sir George Arthur, and, above all, Sir John Colborne, acquiesce in what we believe to be such an extravagant tissue of misstatement and misrepresentation?—Will not every heart, of whatever race or creed, in British America, rise indignantly against a Report smuggled into publicity by 'abusing the king's press most damnably,' and which, under false colours, would invade and overthrow all the institutions under which they have lived, and under which they know that they have hitherto prospered, with less vicissitude than afflicts any other branch of the great British family?

But the cry, sharp and sonorous as it may be, of those distant and distinct victims of half-a-dozen men, who could not influence a parish vestry in England, may come too late! Have we no voice at home to vindicate their insulted characters and institutions, and to anticipate their certain and their just remonstrances? Where is Lord Brougham, with that abstract and expansive love of justice which before detected and punished Lord Durham's Canadian enormities? His Lordship is not of our party; but we appeal to qualities which political adversaries do not question—nor is this a party question—it is a question of justice to the provinces—of safety to the empire. It is a question, too, in which Lord Brougham is not altogether without personal responsibility; for we suspect that if Lord Brougham had not driven Lord Durham from his Canadian throne, we should not have had so mischievous, certainly not so peevish, a Report to complain of. And, moreover, is Lord Durham's REPORT less monstrous in principle than Lord Durham's ORDINANCES? Have these been defeated only to give greater force and a more extensive and practical effect to doctrines still more dangerous? Or is Lord Durham's REPORT to be passed over in the same silence as so many of his former enormities? Why, we take the liberty of asking—why has not this ex-Governor General been arraigned at the bar of public discussion for his desertion of his duty—for his incendiary Proclamation—for the unconstitutional insubordination of his military dinner? Why has he not been personally asked to give to the country those astonishing revelations—those inconceivable disclosures which he promised to the knot of Radicals in Devonport? Why has he not been summoned—ay, and put to parliamentary torture—to explain why, having, while he was in power, illegally banished certain traitors, he, after he had, in a childish pet, thrown up his office, invited them by Proclamation to return, to the manifest increase (as he admitted) of the public danger—and why did he, in the same Proclamation in which he threw up the government, and on the very eve of a formidable rebellion, promulgate and press on an excited public every topic which could embarrass and weaken his successor? All these matters may be, perhaps, explainable, but surely they require a fuller and more distinct explanation than any that has yet been elicited. Why was the discussion about the surreptitious publication of HIS REPORT—with a falsehood on the face of it, as 'presented by the Queen's command,'—not pressed to some rational conclusion after the lively and PROMISING debates in the House of Lords on the 11th and 15th of February? Why did their Lordships permit the reluctant minister to lay on their table, as FROM THE QUEEN, a document which he fairly confessed he should not have presented had it not been FORCED ON HIM by its previous publication in the newspapers? Why has ACQUIESCENCE given Lord Durham, in the eyes of the ignorant majority of mankind, a kind of twilight acquittal?

Let it not be suspected that we have any personal prejudice against Lord Durham—the fact is quite otherwise. We regard him individually as a gentleman of great mark—of amiable private character, and undoubted personal honour—and we feel sincere regret that his PUBLIC proceedings have FORCED us upon these animadversions. Sir Francis Head told Lord Glenelg, 'on ne fait pas les révolutions avec de l'eau de rose.' We say, still more emphatically, on n'éteigne pas les révolutions avec de l'eau de rose. If Lord Durham's conduct deserves approbation, let it be approved; if, on the other hand, as we believe, his public conduct has been mischievous and unconstitutional in the deepest and the highest degree, let it be exhibited before the proper tribunal—the grand inquest of the nation. Let full and fair justice be done to Lord Durham if he be innocent, and to the Colonies and to England, if he be guilty.

We know, and we respect, and, if we may presume to say so, we participate the feelings which disincline the Conservative party from being forward in such criminatory proceedings. They are reluctant to question the authority of the Crown, even when its own ministers contemptuously discard it—they are reluctant to bring on a political crisis when they cannot foresee its final issue—they are unwilling to hazard the destinies of the empire in a by-battle on a 'TRUMPERY REPORT,'—which few will read—fewer understand—nobody approve. With reference to the critical state of Canada itself, they have been willing to postpone to the last moment discussions which, with their immediate advantages, might also have produced collateral and local inconvenience. But a time must come, and we think that this monstrous Report authorises us to say IT IS COME, when endurance becomes impossible. How long are our modern Catilines to abuse the patience of the senate? In the usual FIS-ALLER of ministerial mischief—the silly, hot-headed and cold-blooded Lord Ebrington—to be sent to make WAR on the Established Church in Ireland, with the same sort of dutiful acquiescence that would have accepted any of the decent nullities whom rumor had previously suggested for the Vice Royalty? Why when this blusterer was so rash as to appeal to the House of Lords without being able to deny the FATAL WORD, was he not answered by an address to the Throne for his removal? Is our respect for the Queen's constitutional authority to disable us from vindicating that authority from the reiterated insults of her mutinous representatives?

We venture to proclaim with a confidence—not our own merely, but prompted by the opinion of the best and gravest colonial authorities—that the time is arrived in which active resistance to these accumulated and accumulating evils is become an inevitable duty. This 'trumpery Report'—as with regard to intrinsic value it is justly called—will become a text book of disaffection in the distant recesses of our American provinces. With what does any incendiary set about kindling his fire but the lightest and most worthless trash? If the obscure and OBITER evidence of such a person as Mr. Pleader Stephen was ostentatiously arrayed in the front of Mr. Pedlar Mackenzie's rebellion, only because he held a subordinate place in Downing street, what will be the effect of the Report of his Excellency John George Earl of Durham, G. C. B., her Majesty's High Commissioner—printed and presented to parliament—so RUNS, or rather, SO LIES the title-page,—by 'HER MAJESTY'S COMMAND?' We can venture to answer—that every uncontradicted assertion of that volume will be made the excuse of future rebellions—every unquestioned principle will be hereafter perverted into a gospel of treason; and that, if that rank and infectious Report does not receive the high, marked, and energetic discountenance and indignation of the Imperial Crown and Parliament, BRITISH AMERICA IS LOST.

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